

# STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

## JUNE 2016 REPORT

**Summary.** This report reviews the June 2016 developments relating to human rights in Myanmar. Relatedly, it addresses the interchange between Myanmar’s reform efforts and the responses of the international community.

<b>I.</b>	<b>Political Developments.....</b>	<b>2</b>
<b>A.</b>	<b>Governance and the Rule of Law.....</b>	<b>2</b>
<b>B.</b>	<b>Constitutional Reform.....</b>	<b>3</b>
<b>C.</b>	<b>Official Corruption, Sanctions and the International Community.....</b>	<b>3</b>
<b>II.</b>	<b>Civil and Political Rights.....</b>	<b>5</b>
<b>A.</b>	<b>Freedom of the Press.....</b>	<b>5</b>
<b>B.</b>	<b>Freedom of Speech &amp; Assembly.....</b>	<b>5</b>
<b>C.</b>	<b>Economic and Social Empowerment.....</b>	<b>6</b>
<b>III.</b>	<b>Economic Development.....</b>	<b>8</b>
<b>A.</b>	<b>Developments in the Legal Framework of Economic Development.....</b>	<b>8</b>
<b>B.</b>	<b>Land Seizures.....</b>	<b>8</b>
<b>IV.</b>	<b>Ethnic Violence.....</b>	<b>9</b>
<b>A.</b>	<b>Peace Talks.....</b>	<b>9</b>
<b>B.</b>	<b>Violence Against Ethnic Rebel Groups.....</b>	<b>10</b>

## **I. Political Developments**

### **A. Governance and the Rule of Law**

The National League for Democracy (“NLD”) -led government has faced criticism this month from columnists disapproving of its handling of certain rule of law issues. The first addressed the inconsistency between the investigation and prosecution of actions taken by protestors compared to those taken by authorities, particularly police or security officers, who were acting in response to protests.<sup>1</sup> The report described an incident that took place in which a policeman pulled a protestor from his motorcycle, with the policeman sustaining injuries to his face. A correspondent for BBC Myanmar was later blamed for the policeman’s injuries and charged for punching the officer. After being convicted at trial, with the trial lasting over one year, the correspondent was sentenced to three months imprisonment and hard labor.<sup>2</sup> Critical of perceived double-standards under the law, the report cited countersuits against the police by students and activities detained during previous protests that have been rejected by the current government, as well as the lack of investigation into the killing of one such protestor during the Letpadaungtaung copper mine protest.<sup>3</sup> Similarly, the report criticized the official praise offered by State Counsellor Aung San Suu Kyi for the police force, calling the endorsement “inappropriate.”<sup>4</sup>

Another report critiqued the government’s lax and disparate treatment of crimes committed against Muslims versus similar crimes committed against majority Buddhists by comparing the parallel examples of the Bago Region mosque mob attack and former monk Gambira’s forced entry into certain sealed monasteries.<sup>5</sup> In the former, a mob allegedly broke into a mosque in Thaye Thmain village, assaulted a Muslim man and caused property damage. Despite this, their attack has gone unprosecuted, and authorities have said that no action would be taken against members of the mob, in part for fear that punitive action may lead to further violence in retaliation.<sup>6</sup> Over 200 Muslim villagers fled their homes after the mob attack.<sup>7</sup> Meanwhile, Gambira, who had been arrested then freed under presidential pardon before once again being arrested for “mischief” and “trespassing” in connection with his seeking shelter in the sealed monastery, may face an additional three years imprisonment.<sup>8</sup> A high-profile former monk who had publicly condemned some Buddhist monks’ involvement in sectarian matters, many believe Gambira’s imprisonment to be politically motivated.<sup>9</sup> The columnist accepts that dealing with sectarian matters requires some degree of finesse but criticizes the weakness of the NLD government in the face of mob rule, particularly in light of Aung San Suu Kyi’s campaign promises to strengthen the rule of law.<sup>10</sup>

Finally, last month the International Commission of Jurists (“ICJ”) was provided testimony highlighting the deplorable state of rule of law in Kachin State.<sup>11</sup> The ICJ was presented with photographs and accounts of unregulated mining in the region that has led to fatalities and casualties, land grabbing by the government and instances of hired mobs performing acts of arson and assault in order to coerce farmers who had refused to vacate land apparently earmarked for mining.<sup>12</sup>

In a more positive development, Japan pledged additional support for Myanmar by means of a US \$1 million agreement intended to fund the development of the nation’s rule of law centers.<sup>13</sup> Japan has strongly supported Myanmar’s development both through provision of advice and through funding commitments: last year Japan pledged US \$85 million to Myanmar and this year has increased its commitment to US \$219 million.<sup>14</sup>

## **B. Constitutional Reform**

At a June press conference, parliamentary officials stated that any significant constitutional reform would likely be delayed until after a successful national reconciliation and peace deal. Although the NLD has long argued for the necessity of constitutional reform, the NLD has stated that it believes such reform will be more successful if undertaken after a more cooperative relationship with the military has been established. Speaker of the House of Representatives Win Myint noted that constitutional reform has not been delayed indefinitely, but rather has been merely postponed to a later point “within this government’s term.”<sup>15</sup>

At the end of May, U.S. Secretary of State John Kerry announced that sanctions against Myanmar would continue until revisions to the country’s constitution are put in place.<sup>16</sup> This statement, in combination with the NLD’s decision to delay discussion of constitutional reform until the peace process is finalized, likely means that the final sanctions will not be lifted at least until the end of the year.

## **C. Official Corruption, Sanctions and the International Community**

The Myanmar parliament is currently in the process of amending Myanmar’s Anti-Corruption Law, which was enacted in 2013.<sup>17</sup> The Upper House of Parliament has completed a bill to amend the law with minor changes involving terms and wording.<sup>18</sup> In addition, the Parliament is forming a new Anti-Corruption Commission. Win Myint, Speaker of the Lower House, explained that the new Anti-Corruption Commission’s purpose is to ensure the rule of law and it will include fifteen members chosen by the President and the two Speakers.<sup>19</sup>

Since its creation in 2013, Myanmar’s Anti-Corruption Commission has prosecuted nine people, taken action in 125 cases involving civil servants and claims to have recovered and returned a total of Ks 10 million back to the country.<sup>20</sup> Yet, Sann Myint, chair of the current Upper House Public Complaints Committee and NLD representative for Ayeyawady Region Constituency No. 3, has claimed that the previous Anti-Corruption Committee did not perform effectively because the Public Complaints Committee “still got many corruption complaints.”<sup>21</sup>

The Upper House Public Complaints Committee has received 800 complaint letters since its establishment in February 2016, many of which are about corruption.<sup>22</sup> Among them are complaints regarding illicit land confiscation by the military and government ministries.<sup>23</sup> In such cases, the government ministries allegedly confiscated land; however, rather than using the land or returning it to the original owners, the ministries proceeded to sell the land to others.<sup>24</sup> Other complaints involve civil servants who feel they were wronged by various ministries under the previous government, such as civil servants that were not promoted as they should have been.<sup>25</sup> Further, some complaints report bosses that punish their subordinates arbitrarily.<sup>26</sup> According to Sann Myint, the Public Complaints Committee has transferred the complaint letters to the respective ministries together with comments and suggestions.<sup>27</sup>

In the Amarapura township of the Mandalay Region, the government approved the commencement of river-pumping projects and erection of farms on Taungthaman Lake despite concerns from residents that such development would destroy the body of water.<sup>28</sup> Resident farm owners near the lake were not given ownership documents, and the farmers expressed concern

that the projects would divert water away from local use. Seven residents gathered on the Yangon-Mandalay highway to protest the government's approval of the projects, which are blocking Amarapura's lakes, ponds, rivers and creeks.<sup>29</sup> The protestors have demanded that the rivers be used responsibly to harness electricity and provide water for agriculture.<sup>30</sup> According to the protest leader, Chit Khine, the Amarapura township's farmland management unit changed the local land-use permits and did not give any ownership documents to the original land owners.<sup>31</sup> The protestors have requested notification when the government grants new land permits, as well as an investigation into the alleged local government corruption.<sup>32</sup> The Mandalay Region Chief Minister, Zaw Myint Muang, has responded that he will inspect projects approved by the previous government to see if they are causing a negative impact on the local residents' livelihood.<sup>33</sup>

Allegedly, nearly \$100 million has vanished from a fund set up by Myanmar's gem companies.<sup>34</sup> The fund was set up to help develop local gem markets and associations and involved a one percent levy on mining company profits that began in 2009.<sup>35</sup> The Myanmar Federation of Mining Association reported to the Parliament's Legal Affairs and Special Cases Assessment Commission that, of the \$104 million collected over the course of six years, only \$7.8 million was accounted for.<sup>36</sup> An embezzlement probe has since been launched.<sup>37</sup> So far, only ex-President Thein Sein and the former Minister of Industry and current Minister for the President's Office Soe Thein have been named as possible illicit recipients of the money.<sup>38</sup> In response, former Minister for Mining Dr. Myint Aung stated publicly that Thein Sein and Soe Thein are innocent.<sup>39</sup> However, the Myanmar Federation of Mining Association claims that a systematic investigation will reveal more names.<sup>40</sup> Kyaw Kyaw Oo, the CEO of construction services company KLC Group Companies, warned that if authorities (presumably the Public Complaints Committee) take too long to act, they will bring the case to court.<sup>41</sup>

On June 24, following an intergovernmental Financial Action Task Force ("FATF") plenary meeting in South Korea, the FATF removed Myanmar from its list of countries with compliance issues, congratulating Myanmar on its significant progress in addressing strategic Anti-Money Laundering ("AML") and Combating the Financing of Terrorism ("CFT").<sup>42</sup> The FATF is housed in the OECD's Paris headquarters and keeps track of high-risk jurisdictions for money laundering and terrorism financing, highlighting the countries it deems not to be making sufficient efforts to tackle the problems.<sup>43</sup>

Until this year, Myanmar had been categorized by the FATF as a jurisdiction lacking progress in implementing a plan to tackle money laundering.<sup>44</sup> In February 2016, the FATF upgraded Myanmar's status to having only "strategic deficiencies," crediting the government's efforts to enhance financial transparency and establish mechanisms to investigate suspicious financial activity.<sup>45</sup> The FATF's June announcement rendered Myanmar no longer subject to the FATF's monitoring under its ongoing global AML/CFT compliance process.<sup>46</sup> Myanmar will work with the FATF's Asia/Pacific Group on Money Laundering as it continues to further strengthen its AML/CFT regime.<sup>47</sup> Myanmar's removal from the FATF list is likely to increase overseas (particularly U.S.) financial institution confidence in engaging in transactions involving Myanmar.<sup>48</sup>

The U.S. placed Myanmar on its annual Trafficking in Persons report, a global list of worst offenders for human trafficking.<sup>49</sup> The designation is intended to push the country to curb

the use of child soldiers and forced labor and to halt the persecution of the Rohingya Muslim minority.

## **II. Civil and Political Rights**

### **A. Freedom of the Press**

Local Yangon authorities banned a press conference organized by the Ta'ang Women's Organization ("TWO").<sup>50</sup> The TWO intended to discuss their report on human rights abuses by the Myanmar Army in the northern Shan State.<sup>51</sup> As of now, TWO has been unable to reschedule the conference.<sup>52</sup>

Fortify Rights, a non-profit human rights organization in Southeast Asia, issued a statement on June 17 criticizing the government for imprisoning four press workers who were sentenced under section 505(b) for referring to Rohingya Muslims as a Myanmar ethnic group in a 2016 calendar.<sup>53</sup> Rohingya Muslims, an ethnic and religious minority in Myanmar, had their citizenship revoked after the 1982 Citizenship Law passed.<sup>54</sup>

### **B. Freedom of Speech and Assembly**

The NLD has recently released many political prisoners with a wide range of executive pardons.<sup>55</sup> Many of those released were protestors who had been imprisoned under the Peaceful Assembly and Peaceful Processions Act.<sup>56</sup> The act was enacted in 2012 but is currently before the Myanmar Parliament for review.<sup>57</sup> The suggested revisions would change part of the provisions that require demonstrators to seek advance permission from township police stations.<sup>58</sup> Additionally, cumulative punishments for unlawful protests across multiple jurisdictions would be eradicated.<sup>59</sup> As it stands now, the act does not meet international legal standards on freedom of speech.<sup>60</sup>

Human Rights Watch released a report on June 29 in which it argued that the new NLD government must allow for freedom of expression in order to bring democracy to Myanmar.<sup>61</sup> Human Rights Watch pointed out that article 505(b) of Myanmar's penal code prohibits "caus[ing] fear or alarm to the public," and the new government has detained 150 people accused of violating the article since it took power.<sup>62</sup> The country's laws have been used to punish journalists, political activists, and students.<sup>63</sup> The report also mentioned a draft bill currently under review in the Myanmar Parliament which would allow police to arrest protestors who use unregistered slogans in their protests.<sup>64</sup> The report also pointed out that the new government has continued to arrest social media users based on "distasteful" posts.<sup>65</sup>

The film censorship board recently banned public screenings of "Twilight Over Burma" in Myanmar.<sup>66</sup> The film depicts the story of an ethnic Shan leader and his Austrian wife.<sup>67</sup> The movie was supposed to open the Human Rights Human Dignity International Film Festival being held in June in Myanmar but was banned, with the board stating that the movie could pose harm to Myanmar ethnic unity.<sup>68</sup> This is the first film the board has banned under the new government.<sup>69</sup>

### **C. Economic and Social Empowerment**

Several developments in June suggest that the government is attempting to neutralize tension around the status of the Rohingya population in the country by mandating new terminology for describing the population and beginning to address citizenship concerns, but violence against minority groups also continued in multiple regions of the country.

In June, the government began issuing new national verification cards, or “green cards,” to Muslim residents over the age of 10 as part of a citizenship verification pilot program in three predominantly Muslim townships in the state.<sup>70</sup> Under the program, holders of the green cards, which do not state the holder’s race or religion, can then apply for full Myanmar citizenship after completing a citizenship verification process, but some villagers in Rakhine state’s capital, Sittwe, have refused to accept the cards, stating that they are afraid of losing the right to become citizens.<sup>71</sup> As of June 21, only 50 Muslims in Sittwe had received green cards.<sup>72</sup>

On June 16, the Ministry of Information released a letter instructing official news outlets to describe the 1.1 million Rohingya who live in Rakhine as “the Muslim community in Rakhine state” during a June 19-July 2 visit by Yanghee Lee, the United Nation’s special envoy on human rights in Myanmar.<sup>73</sup> On June 20, during a meeting in Naypyidaw, Aung San Suu Kyi told Lee that the government will avoid using the term Rohingya.<sup>74</sup> The Arakan National Party subsequently issued a statement saying it rejects the mandated usage of the phrase of “Muslim community in Rakhine” and will continue using “Bengalis” for Muslims in Rakhine State, even though the government’s order also prohibits the use of that word.<sup>75</sup> On June 23, the former ruling Union Solidarity and Development Party (“USDP”) issued a statement noting that it had clearly objected to the use of the term “Rohingya,” and that the current administration should have obtained consent from the ethnic Rakhine people before mandating the use of “Muslim community in Rakhine.”<sup>76</sup> The statement also urged the NLD government to resolve the problem by using a phrase that is in accordance with Article 364 of the 2008 constitution, which forbids “the abuse of religion for political purposes” and places restrictions on political activities and ethnic groups that have an impact on freedom of religion.<sup>77</sup>

During Lee’s visit, she traveled to Yangon, Naypyidaw, Sittwe, Myitkyina and Lashio to compile a report to submit to the U.N. General Assembly in September.<sup>78</sup> She met with groups of Rohingya in camps in Rakhine, who told her about their state’s development needs, and Muslim leaders, who asked her to help remedy the denial of their rights to social services and education, freedom of movement, and business operations.<sup>79</sup> Lee also met with ethnic Buddhists in Rakhine who asked her to submit a fair report to the U.N., including opinions from both sides.

The United Nations released a report detailing systematic violations against Muslim Rohingya, including the denial of citizenship rights, forced labor and sexual violence, which could amount to crimes against humanity.<sup>80</sup> In response to the UN criticism, President’s Office spokesman Zaw Htay said that the UN and international community should support ongoing reforms instead of focusing on human rights abuses perpetrated by the former government. “This was a weakness from the past. Our government will challenge it and will work for human rights. We have already laid the foundation for this with our new policies. They [the UN] need to reflect on the reforms undertaken by the new government,” Zaw Htay added. The European Union said that Myanmar needs “space” to address human rights abuses and also said that it would refrain from using the term “Rohingya” to describe the persecuted Muslim population.<sup>81</sup> “We understand that the term ‘Rohingya’ is emotionally charged in Myanmar and we have heard the call of the government to avoid creating tension by using polarizing terminology,” Roland Kobia,

the EU ambassador to Myanmar, told reporters. “So we ought to give political space to initiatives to gradually find a solution to this protracted issue,” he said.

On June 23, a Buddhist mob in Myanmar targeted a Muslim mosque, Muslim cemetery, and a Muslim family’s house and warehouse in Muslim-dominated Thuye Thamain village in Waw Township of the Bago region, about 200 kilometers southeast of Yangon.<sup>82</sup> The attack left a Muslim man injured and forced the minority community to seek refuge in a neighboring town.<sup>83</sup> This was the first of two attacks on mosques in Myanmar in under two weeks.<sup>84</sup>

On June 17, Ma Ba Tha threatened to destroy a mosque in [Le Pyin/Lone Khin]<sup>85</sup> village in Hpakant Township of Kachin State by June 27 if Muslim residents did not destroy it themselves, also accusing the Muslim residents of building the mosque and other structures in the complex illegally during the two-year construction of a nearby bridge.<sup>86</sup> Thein Aung, chairman of the mosque’s caretaker committee, stated that “two new buildings were built by the construction company in the mosque compound during the bridge construction—one for construction material storage and [another] for the construction workers’ use—and the company donated them to the mosque afterwards.”<sup>87</sup> In spite of their supposed right to keep the buildings, the community destroyed the two new buildings to avoid trouble, but declined to demolish the mosque itself.<sup>88</sup> On June 20, however, local authorities in Kachin state followed additional demands from Ma Ba Tha, decreeing that Muslim residents had until June 30 to tear down the whole mosque.<sup>89</sup> In response to pressure from Human Rights Watch to postpone the planned demolition and instead find a solution respectful of Muslims’ right to worship, the government deployed security personnel to guard the village and maintain the peace.<sup>90</sup> In spite of this effort, late in the day on July 2 a mob of approximately 500 people gathered outside the mosque, many of them welding sticks, knives and other weapons, demanding that the security forces allow them to raze the Muslims’ place of worship.<sup>91</sup> A local police officer, speaking under conditions of anonymity, stated that the security force tried to keep the mob at bay, but after approximately 150 people “forcibly entered the mosque compound, [they] could no longer control the situation.” The mosque was ransacked and set on fire, and nearly 30 Muslim families have fled since the riot began.<sup>92</sup> No arrests have yet been made in either the June 23 or July 2 incidents in spite of pressure from several human rights organizations.<sup>93</sup>

On June 23, Aung San Suu Kyi made a 3-day trip, in her capacity as Myanmar’s foreign minister and state counselor, to address the concerns of Myanmar’s approximately 4 million migrant workers<sup>94</sup> in Thailand, approximately half of which are not legally registered to work.<sup>95</sup> During her trip, she met with Thai Prime Minister General Prayuth Chan-o-cha and signed an agreement to facilitate Myanmar’s migrants’ ability to work legally in Thailand, with proper identity documents and assurances that the workers will be protected from labor abuses.<sup>96</sup> Thirteen Thailand-based activist groups for workers arranged for approximately 500 migrant workers to attend a talk and Q&A session given by Aung San Suu Kyi inside a factory, but the workers who were able to attend were selected by their employers, representing a faction of migrant laborers who already earn the official minimum wage and have acceptable work conditions.<sup>97</sup> During her talk, Aung San Suu Kyi told the workers that she was trying to secure proper identification documents for them to work legally and ensure the fundamental rights that they were due under the laws of Thailand.<sup>98</sup> On the same day, Thai authorities prevented human rights groups from holding a news conference in Bangkok, citing concerns for potential incitement of unrest.<sup>99</sup>

According to a new UN High Commissioner for Refugees report, Myanmar nationals are the eighth largest group of refugees in the world.<sup>100</sup> The report says that by the end of 2015, there were an estimated 451,800 displaced Myanmar people, including some 120,000 Myanmar refugees in Thailand's nine official camps. An additional 450,000 internally displaced persons are not included in the figure.

### **III. Economic Development**

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

After regulation was passed last year that required exporters and importers to use banks for foreign currency transactions instead of making private exchanges, business leaders have asked the new government to address regulations on exchange rates.<sup>101</sup> The Myanmar central bank only allows exchanges to occur at 0.8 percent above or below the reference rate, which often does not reflect the market rate or informal market rates such as in the hundi market and the black market.<sup>102</sup> Thus, business leaders are calling for change with respect to these regulations to facilitate the export and import industry.<sup>103</sup>

On June 21, the gold market reached a record high while stock and real estate markets have slowed during the government transition period.<sup>104</sup> Gold is a traditional and trusted investment in Myanmar.<sup>105</sup> The record high is attributed to increased sales of gold, in part affected by the British exit from the European Union.<sup>106</sup>

A senior official at the Yangon Stock Exchange ("YSX") dispelled rumors that the stock exchange will open up to foreign investment.<sup>107</sup> The current Myanmar Companies Act enacted in 1914 prevents foreign investors from buying shares in local companies.<sup>108</sup> Current business leaders argue that the Act had fallen behind developments in the business climate and that opening the stock market up to foreigners will boost the market.<sup>109</sup>

Since the change in government in 2011, Burma's trade volume has increased.<sup>110</sup> However, in 2016, this consistent growth has stagnated, which has worried some observers.<sup>111</sup> The NLD has announced that they will publicize their economic policies at the end of the month and has hinted that they will support the private sector by allowing all citizens to start their own businesses.<sup>112</sup>

#### **B. Land Seizures**

Civil society organizations and ethnic community leaders have called for the Myanmar government to develop a national land restitution policy for communities displaced by conflict.<sup>113</sup> As part of this effort, there have been demands for "a return of all arbitrarily confiscated land to the 'original land owners,'" though the organizations have not yet defined who the "original land owners" would be.<sup>114</sup>

More than 6,400 acres of confiscated land in the Ayeyawady Region has been returned to its former local owners and the Myanmar Vice President encouraged the regions and states involved to speed up the process to return the remaining land.<sup>115</sup>



In Karen state, more than 232 acres of confiscated farmland will be returned to its rightful owners.<sup>116</sup> However, villagers remain largely unhappy with the government for its history of land seizures, claiming that the 232 acres are only a small fraction of thousands of confiscated acres seized by the Myanmar Army. Locals also claimed that the returned land was poor farming land and that the NLD should do more to return seized land to local owners.<sup>117</sup> Some villagers also indicated that land returns were subject to favoritism and that the Myanmar Army should return the land “equally” to all farmers from whom land was originally confiscated.<sup>118</sup> More generally, Karen National Union leaders have called for respective state and regional governments to recognize land rights and policies that have “been in place for decades in ethnic areas and agreed to by both ethnic communities and armed groups.”<sup>119</sup> Karenni government officials have indicated that, while the land ownership resolution process takes 89 days under local law, the government would provide temporary titles to farmers to allow them to work their farms for the growing season.<sup>120</sup>

In northern Shan State, villagers have complained that they did not receive compensation for damage to their homes and shops as a result of the expansion of the Mandalay-to-Muse highway.<sup>121</sup> The damage is ongoing as large trucks travel on the new highway damaging nearby homes and businesses.<sup>122</sup> Meanwhile in southern Shan State, villagers have called on the newly elected government to intervene in their fight to get 60 acres of land back after writing to the Shan State government ten times, the first nine of which occurred when the previous government was in power.<sup>123</sup> One individual who had his land confiscated indicated that “[a]s this [NLD] administration is regarded as a democratic government, we are hopeful of getting our lands back.”<sup>124</sup>

In Rangoon, the local parliament approved a proposal to end public-private partnership which had allowed private companies to lease public lands to build shopping malls, recreation centers, high-rise condominiums and other development projects.<sup>125</sup> The regional government has also indicated that it intends to confiscate inactive plots at industrial zones around the city.<sup>126</sup>

#### **IV. Ethnic Violence**

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

In late August, Myanmar government officials plan to hold the Union Peace Conference to continue the nationwide peace process.<sup>127</sup> The NLD government will allow all stakeholders to participate in the peace dialogue process, including non-signatories to the 2015 nationwide ceasefire agreement (“NCA”).<sup>128</sup> The administration will first collaborate on the political dialogue framework with non-signatory ethnic armed groups and then will work to incorporate those groups into a nationwide ceasefire agreement as signatories. Accordingly, the United Nationalities Federal Council (“UNFC”), an alliance of non-signatory non-state ethnic armed groups, met with Dr. Tin Myo Win, the new Myanmar government’s chief peace negotiator, in early June.<sup>129</sup> Additionally, leaders of ethnic armed groups that are signatories to the NCA met with a government delegation that included Myanmar Army officials to discuss the peace dialogue process.<sup>130</sup> The parties discussed the framework for political dialogue, potential amendments to the NCA and how to include non-signatory groups in the talks. Aung San Suu Kyi reassured ethnic groups that the Myanmar government will seek to foster cooperation.<sup>131</sup> “I would like to tell you that our government has no hidden agenda,” she said. “We only have a

vision to build a nation of federal Union, where citizens of the Union can live in peace and prosperity.”

The United Wa State Army (“UWSA”) and the Myanmar National Democratic Alliance Army (“MNDA”) agreed to talk with the Myanmar government’s peace negotiators.<sup>132</sup> The Nationalities Democratic Alliance Army (“NDAA”) also agreed to participate.<sup>133</sup> The groups will meet with a preparation subcommittee for the Union Peace Conference.

The Myanmar Army is insisting that the MNDA, the Ta’ang National Liberation Army (“TNLA”) and Arakan Army (“AA”), which are engaged in ongoing fighting with the Myanmar Army, disarm before participating in the Union Peace Conference.<sup>134</sup> The government peace delegation led by Dr. Tin Myo Win also asked the three groups to disarm to be invited to the upcoming peace conference.<sup>135</sup> The three groups did not send delegations to meet with Dr. Tin Myo Win along with the remainder of the UNFC. The TNLA said they were not invited, while the AA said the groups were informally invited but could not attend due to transportation difficulties. In any event, the three groups said they would not disarm.<sup>136</sup> “The military’s demand for disarmament is a real barrier to peace. That is totally impossible,” said AA chief Tun Myat Naing.

On June 29, the Myanmar Army commander-in-chief reportedly told a delegation of representatives of the eight signatory armed groups at a meeting in Naypyidaw that he wants the Union Peace Conference to be successful and that he is open to talks with non-signatory armed groups.<sup>137</sup> “Senior General Min Aung Hlaing said the Tatmadaw will stand firmly along the path of the peace process, on the foundation of the NCA,” said U Khun Myint Tun, chair of the Pa-O National Liberation Organisation, an NCA signatory.<sup>138</sup>

Ethnic armed groups will hold a summit in mid-July in Mai Ja Yang in Kachin State to discuss the upcoming peace conference.<sup>139</sup> The Restoration Council of Shan State (“RCSS”) and the Kachin Independence Organization (“KIO”) organized the proposition and have invited all ethnic armed groups, including both signatories and non-signatories of the NCA.

The UNFC met with the government’s chief peace negotiator Dr. Tin Myo Win a second time on July 1 to prepare for the Union Peace Conference.<sup>140</sup>

## **B. Violence Against Ethnic Rebel Groups**

AA fighters clashed with Myanmar Army soldiers on June 5 near Rathedaung Township’s Kharu Chaung and Rakaung Chaung villages in Arakan State.<sup>141</sup> No casualties were reported.

In a surprise raid, the Myanmar Army seized two guns and a handheld transceiver from an Mon National Liberation Army base in Kyaikmayaw Township in Mon State.<sup>142</sup>

The Karen National Liberation Army (“KNLA”) will not withdraw from a military checkpoint in Htee Khee in the southern Tanintharyi Region in defiance of an order from Military Operations Command 19.<sup>143</sup> A source close to the Karen National Union (“KNU”), the political wing of the KNLA, said, “We decided not to withdraw from our checkpoint. We have a liaison office in Dawei [the capital of Tanintharyi], and they should go there to talk about a withdrawal and make an official request.”

The Shan Human Rights Foundation (“SHRF”) alleged that the Myanmar Army has been torturing and killing civilians and using them as human shields against the Shan State Progress Party/Shan State Army-North (“SSPP/SSA-N”) in Kyaukme Township.<sup>144</sup> The violence has displaced over 1,000 villagers. A SHRF report says that at least 56 residents from nine villages have suffered human rights violations and nine villagers have been killed between May 11-21 of this year. Myanmar authorities in Yangon prevented a press conference organized by an ethnic women’s organization detailing abuses against civilians committed by the government army in northern Shan State.<sup>145</sup> The organization will submit its report to the office of President Htin Kyaw and to the upper and lower houses of the National Assembly.

Three ethnic Ta’ang men in Shan State’s Namkham Township died in the first week of June.<sup>146</sup> One man stepped on a landmine on June 1 and two others were found murdered on June 3.<sup>147</sup> It is unclear who is responsible for the deaths, but a number of local ethnic Ta’ang and the TNLA members blame the RCSS and the Shan State Army-South.

Seven ethnic Shan men went missing while traveling from Namkham Township to Lashio in Shan State.<sup>148</sup> A police investigation is underway. Some locals have blamed the TNLA.<sup>149</sup> “Seven civilians were detained by the TNLA while passing through Pha Lang village in Namkham last Sunday [June 5]. Somebody told me they found the car in one of the Ta’ang villages. But we will not go to that village without security backing from the Tatmadaw and the police force,” said Sai Kyaw Ohn, a former Shan Nationalities League for Democracy (“SNLD”) politician. The TNLA denied that the group had detained civilians in the Namkham area. “The TNLA didn’t detain Shan people. There are a lot of militias in the area,” he said.

An unarmed 19-year-old ethnic Kachin university student was killed by a Myanmar Army soldier, sparking protests.<sup>150</sup> Two soldiers engaged in security at the Bala Min Htin Bridge in Myitkyina were asked by four female civilians to protect them from a group of men. According to the Ministry of Defense, a group of eight men fought the soldiers and attempted to grab the arm of one of the soldiers. That soldier then allegedly misfired his weapon, killing one of the men. The two soldiers sustained injuries and are receiving medical treatment. Friends and relatives of those involved say that the group of young men was joking with the two women when the soldiers drove up and asked the men why they were talking with the women. The conversation then escalated into an argument and the young man was shot. “But, looking at his injuries, it looks like he was shot from behind deliberately at close range,” said the deceased man’s uncle, adding that his nephew’s body had three bullet holes. Nearly one thousand local residents protested the shooting and condemned the killing of unarmed civilians.

Eight Theinni township residents have been detained by Tatmadaw soldiers for allegedly carrying out an order given by the SSPP to collect data on the number of households, villagers and businesses in the Pan Son village.<sup>151</sup> The Tatmadaw is suing the men under the Unlawful Association Act for assisting the armed group. Sai Aung Ni, the head of Moe Tay village in Namtu Township, said that village heads often were given no choice but to cooperate with armed groups. “All armed groups contact the heads of villages for what they want or need. Nobody dares to refuse their orders. Everyone lives in fear,” he said. Additionally thirteen AA soldiers were convicted under the Unlawful Association Act and sentenced to three years in prison with hard labor.<sup>152</sup> The soldiers confessed to having contacted the AA, an illegal organization under the law.

The Myanmar Army deployed armed military drones in ethnic minority regions in northern Myanmar.<sup>153</sup> The drones will likely be used for surveillance and surgical strikes.

The last group of 300 out of a total of over 1,000 ethnic Shan displaced by conflict in northern Shan State's Hsipaw Township has voluntarily returned to their villages of Thein Hain, Nar Thaw and Pan Nar bordering Lashio Township.<sup>154</sup> The area is now considered conflict free. The returning villagers have received 18,000 kyats (US \$15) per person, rice, cooking oil, salt and other commodities.



- 1 Eleven Myanmar, June 7, 2016: <http://www.elevenmyanmar.com/editorial/myanmar%E2%80%99s-illusory-rule-law>.
- 2 *Id.*
- 3 *Id.*
- 4 *Id.*
- 5 Myanmar Times, July 1, 2016: <http://www.mmtimes.com/index.php/opinion/21164-we-need-rule-of-law-not-mob-rule.html>.
- 6 *Id.*
- 7 *Id.*
- 8 *Id.*
- 9 *Id.*
- 10 *Id.*
- 11 Myanmar Times, June 3, 2016: <http://www.mmtimes.com/index.php/opinion/20666-authorities-and-courts-complicit-in-eroding-rule-of-law-in-kachin-state.html>.
- 12 *Id.*
- 13 Myanmar Times, June 6, 2016: <http://www.mmtimes.com/index.php/national-news/20676-japan-to-support-rule-of-law-centres.html>.
- 14 *Id.*
- 15 Myanmar Times, June 13, 2016: <http://www.mmtimes.com/index.php/national-news/nay-pyi-taw/20803-constitutional-reform-on-backburner-for-now.html>
- 16 The Wall Street Journal, May 22, 2016: <http://www.wsj.com/articles/u-s-sanctions-on-myanmar-to-stay-until-militarys-influence-is-reduced-1463915073>
- 17 Eleven Myanmar, June 15, 2016. <http://www.elevenmyanmar.com/local/public-complaints-committee-receives-over-800-letters>
- 18 Eleven Myanmar, June 25, 2016. <http://www.elevenmyanmar.com/politics/5250>
- 19 *Id.*
- 20 Eleven Myanmar, May 27, 2016. <http://www.elevenmyanmar.com/politics/mps-vote-change-anti-corruption-law>
- 21 Eleven Myanmar, June 25, 2016. <http://www.elevenmyanmar.com/politics/5250>
- 22 Myanmar Times, February 23, 2016. <http://www.mmtimes.com/index.php/national-news/nay-pyi-taw/19121-complaints-committee-to-address-backlog.html>
- 23 Eleven Myanmar, June 15, 2016. <http://www.elevenmyanmar.com/local/public-complaints-committee-receives-over-800-letters>
- 24 *Id.*
- 25 *Id.*
- 26 *Id.*
- 27 *Id.*
- 28 Myanmar Times, June 29 2016. <http://www.mmtimes.com/index.php/national-news/mandalay-upper-myanmar/21105-protesters-demand-waterways-be-unblocked.html>
- 29 “Protesters demand waterways be unblocked.” *Myanmar Times*. June 29 2016. <http://www.mmtimes.com/index.php/national-news/mandalay-upper-myanmar/21105-protesters-demand-waterways-be-unblocked.html>
- 30 *Id.*
- 31 *Id.*
- 32 *Id.*
- 33 *Id.*
- 34 Frontier Myanmar, June 3, 2016. <http://frontiermyanmar.net/en/news/myanmar-gems-firms-100m-missing-industry-fund>
- 35 *Id.*
- 36 *Id.*
- 37 *Id.*
- 38 Eleven Myanmar, June 3, 2016. <http://www.elevenmyanmar.com/politics/ex-mines-minister-denies-corruption>
- 39 *Id.*
- 40 *Id.*
- 41 *Id.*
- 42 The Irrawaddy, July 2, 2016. <http://www.irrawaddy.com/business/the-irrawaddy-business-roundup-july-2-2016.html>
- 43 *Id.*
- 44 *Id.*
- 45 *Id.*
- 46 *Id.*
- 47 Financial Action Task Force, June 24, 2016. <http://www.fatf-gafi.org/publications/fatfgeneral/documents/plenary-outcomes-june-2016.html#myanmar>
- 48 The Irrawaddy, July 2 2016. <http://www.irrawaddy.com/business/the-irrawaddy-business-roundup-july-2-2016.html>
- 49 Channel News Asia, June 28, 2016: <http://www.channelnewsasia.com/news/asiapacific/us-to-downgrade-myanmar/2910758.html>.
- 50 The Irrawaddy, June 27, 2016: <http://www.irrawaddy.com/burma/rangoon-authorities-ban-press-conference-on-burma-army-torture.html>
- 51 *Id.*
- 52 *Id.*
- 53 Burma News International, June 27, 2016: <http://www.bnionline.net/news/kaladan-press/item/1868-conviction-violates-freedom-of-expression-fortify-rights.html>
- 54 *Id.*
- 55 Frontier Myanmar, June 29, 2016: <http://frontiermyanmar.net/en/news/more-reform-needed-protect-activists-reporters-hrw>
- 56 *Id.*
- 57 *Id.*
- 58 *Id.*

- 59 *Id.*
- 60 *Id.*
- 61 The Irrawaddy, June 29, 2016: <http://www.irrawaddy.com/burma/rights-group-pushes-for-freedom-of-speech-in-burma.html>
- 62 *Id.*
- 63 *Id.*
- 64 Reuters, June 29, 2016: <http://www.reuters.com/article/us-myanmar-rights-idUSKCN0ZF17Y>
- 65 *Id.*
- 66 The Irrawaddy, June 15, 2016: <http://www.irrawaddy.com/burma/new-govt-old-censorship-laws-film-about-shan-prince-banned-as-threat-to-ethnic-unity.html>
- 67 *Id.*
- 68 *Id.*
- 69 *Id.*
- 70 Radio Free Asia, June 21, 2016: <http://www.rfa.org/english/news/myanmar/myanmar-government-orders-state-media-not-to-use-rohingya-06212016155743.html>
- 71 *Id.*
- 72 *Id.*
- 73 Radio Free Asia, June 21, 2016: <http://www.rfa.org/english/news/myanmar/myanmar-government-orders-state-media-not-to-use-rohingya-06212016155743.html>
- 74 *Id.*
- 75 *Id.*
- 76 Radio Free Asia, June 23, 2016: <http://www.rfa.org/english/news/myanmar/aung-san-su-kyi-visits-myanmar-migrant-workers-in-thailand-06232016155659.html>
- 77 *Id.*
- 78 Radio Free Asia, June 21, 2016: <http://www.rfa.org/english/news/myanmar/myanmar-government-orders-state-media-not-to-use-rohingya-06212016155743.html>
- 79 Radio Free Asia, June 23, 2016: <http://www.rfa.org/english/news/myanmar/aung-san-su-kyi-visits-myanmar-migrant-workers-in-thailand-06232016155659.html>
- 80 The Irrawaddy, June 21, 2016: <http://www.irrawaddy.com/burma/presidential-spokesman-hits-back-against-un-criticism-over-rohingya.html>; Myanmar Times, June 21, 2016: <http://www.mmtimes.com/index.php/national-news/20953-human-rights-chief-slams-treatment-of-minorities.html>.
- 81 The Irrawaddy, June 23, 2016: <http://www.irrawaddy.com/burma/eu-says-burma-needs-space-deal-rights-abuses.html>.
- 82 Info Europa (citing a video on the Global New Light of Myanmar newspaper website), July 2, 2016: <http://info-europa.com/uncategorized/myanmar-mob-burns-down-mosque-as-buddhist-muslim-tensions-rise/5272> and the Irrawaddy, July 5, 2016: <http://www.irrawaddy.com/burma/csos-call-for-investigation-of-attacks-on-muslim-places-of-worship.html>
- 83 Info Europa (citing a video on the Global New Light of Myanmar newspaper website), July 2, 2016: <http://info-europa.com/uncategorized/myanmar-mob-burns-down-mosque-as-buddhist-muslim-tensions-rise/5272>
- 84 *Id.*
- 85 Info Europa, citing Global New Light of Myanmar, states that this was Le Pyin village, but the Irrawaddy states that this was Lone Khin village.
- 86 Andalou Agency, June 30, 2016: <http://aa.com.tr/en/asia-pacific/myanmar-police-deployed-to-guard-mosque-in-kachin-state/600604>
- 87 *Id.*
- 88 *Id.*
- 89 *Id.*
- 90 *Id.*
- 91 Info Europa (citing a video on the Global New Light of Myanmar newspaper website), July 2, 2016: <http://info-europa.com/uncategorized/myanmar-mob-burns-down-mosque-as-buddhist-muslim-tensions-rise/5272>
- 92 *Id.* and see The Irrawaddy, July 5, 2016: <http://www.irrawaddy.com/burma/csos-call-for-investigation-of-attacks-on-muslim-places-of-worship.html>
- 93 *Id.* and see The Irrawaddy, July 5, 2016: <http://www.irrawaddy.com/burma/csos-call-for-investigation-of-attacks-on-muslim-places-of-worship.html>
- 94 This number is estimated by the government of Myanmar; Thailand's Ministry of Labor and Social Welfare estimates the total number of workers at more than 1.4 million. See Radio Free Asia, June 23, 2016: <http://www.rfa.org/english/news/myanmar/aung-san-su-kyi-visits-myanmar-migrant-workers-in-thailand-06232016155659.html>
- 95 *Id.*
- 96 *Id.*
- 97 *Id.*
- 98 *Id.*
- 99 *Id.*
- 100 *Id.*, June 21, 2016: <http://www.irrawaddy.com/burma/burmese-nationals-form-8th-largest-refugee-group.html>.
- 101 Myanmar Times, June 24, 2016: <http://www.mmtimes.com/index.php/business/20939-exporters-ask-for-exchange-solution.html>.
- 102 *Id.*
- 103 *Id.*
- 104 Irrawaddy, June 21, 2016: <http://www.irrawaddy.com/business/gold-market-hits-record-high.html>.
- 105 *Id.*
- 106 *Id.*
- 107 Irrawaddy, June 15, 2016: <http://www.irrawaddy.com/business/rumors-of-foreign-investors-soon-accessing-ysx-quashed.html>.
- 108 *Id.*

- 109 *Id.*
- 110 Irrawaddy, June 14, 2016: <http://www.irrawaddy.com/business/details-on-suu-kyi-nomics-forthcoming.html>.
- 111 *Id.*
- 112 *Id.*
- 113 The Irrawaddy, June 9, 2016: <http://www.irrawaddy.com/burma/civil-society-groups-demand-national-land-restitution-policy-for-displaced-communities.html>
- 114 *Id.*
- 115 Mizzima, June 27, 2016: <http://www.mizzima.com/news-domestic/more-confiscated-land-returned-rightful-owners>
- 116 BNI Online, June 23, 2016: <http://www.bnionline.net/news/karen-state/item/1865-nld-hand-back-232-acres-confiscated-farmlands-rightful-owners-not-happy.html>
- 117 *Id.*
- 118 *Id.*
- 119 BNI Online, May 30, 2016: <http://www.bnionline.net/news/karen-state/item/1745-knu-wants-government-recognition-of-ethnic-communities-and-armed-groups-land-ownership-policies.html>
- 120 *Id.*
- 121 BNI Online, June 10, 2016: <http://www.bnionline.net/news/shan-state/item/1793-no-compensation-for-villagers-affected-by-muse-highway.html>
- 122 *Id.*
- 123 BNI Online, June 22, 2016: <http://www.bnionline.net/news/shan-state/item/1859-land-grabs-panglong-villagers-call-on-nld-to-intervene.html>
- 124 *Id.*
- 125 The Irrawaddy, June 17, 2016: <http://www.irrawaddy.com/burma/lawmakers-fight-concession-contracts-on-public-land.html>
- 126 Frontier Myanmar, May 30, 2016: <http://frontiermyanmar.net/en/news/yangon-region-govt-seize-inactive-plots-minister>
- 127 The Irrawaddy, June 28, 2016: <http://www.irrawaddy.com/burma/second-panglong-conference-held-august.html>.
- 128 *Id.*, June 3, 2016: <http://www.irrawaddy.com/burma/nld-works-toward-open-door-peace-process.html>.
- 129 *Id.*, June 1, 2016: <http://www.irrawaddy.com/burma/unfc-to-meet-governments-new-peace-negotiator-in-chiang-mai.html>.
- 130 *Id.*, June 10, 2016: <http://www.irrawaddy.com/burma/ethnic-peace-delegation-reviews-political-dialogue-framework.html>.
- 131 Myanmar Times, June 29, 2016: <http://www.mmtimes.com/index.php/national-news/21100-state-counsellor-no-hidden-agenda-in-peace-talks.html>.
- 132 The Irrawaddy, June 8, 2016: <http://www.irrawaddy.com/burma/govt-invites-uwsa-mndaa-to-the-peace-table.html>.
- 133 *Id.*, June 20, 2016: <http://www.irrawaddy.com/burma/wa-and-mongla-armed-groups-to-attend-pre-panglong-peace-meeting.html>.
- 134 *Id.*, June 16, 2016: <http://www.irrawaddy.com/burma/army-demands-three-ethnic-allies-disarm-before-joining-peace-process.html>.
- 135 *Id.*, June 21, 2016: <http://www.irrawaddy.com/burma/govt-peace-delegation-asks-ethnic-groups-to-disarm.html>.
- 136 Myanmar Times, June 24, 2016: <http://www.mmtimes.com/index.php/national-news/21044-the-army-insists-we-give-up-our-weapons-this-is-a-major-obstacle.html>.
- 137 The Irrawaddy, June 29, 2016: <http://www.irrawaddy.com/burma/burma-army-chief-backs-panglong-conference-source.html>.
- 138 Myanmar Times, June 30, 2016: <http://www.mmtimes.com/index.php/national-news/nay-pyi-taw/21122-tatmadaw-chief-stresses-nca-as-bedrock-for-peace.html>.
- 139 The Irrawaddy, June 27, 2016: <http://www.irrawaddy.com/burma/ethnic-armed-groups-to-meet-before-panglong-2.html>.
- 140 *Id.*, June 30, 2016: <http://www.irrawaddy.com/burma/ethnic-alliance-delegation-to-meet-peace-envoy.html>.
- 141 *Id.*, June 6, 2016: <http://www.irrawaddy.com/burma/burma-army-arakan-army-soldiers-clash-again-in-arakan-state.html>.
- 142 *Id.*, June 17, 2016: <http://www.irrawaddy.com/burma/burma-army-raids-mon-national-liberation-army-base.html>.
- 143 *Id.*, June 23, 2016: <http://www.irrawaddy.com/burma/despite-militarys-demands-karen-armed-group-stands-its-ground.html>.
- 144 *Id.*, June 1, 2016: <http://www.irrawaddy.com/burma/burma-army-accused-of-torturing-killing-civilians-in-shan-state.html>.
- 145 Radio Free Asia, June 27, 2016: <http://www.rfa.org/english/news/myanmar/yanmar-authorities-06272016155252.html>.
- 146 The Irrawaddy, June 8, 2016: <http://www.irrawaddy.com/burma/deaths-of-three-ethnic-palaung-reveal-persisting-conflict-in-shan-state.html>.
- 147 Myanmar Times, June 6, 2016: <http://www.mmtimes.com/index.php/national-news/20674-two-farmers-killed-in-namkham.html>.
- 148 The Irrawaddy, June 9, 2016: <http://www.irrawaddy.com/burma/seven-shan-men-go-missing-in-northern-shan-state.html>.
- 149 Myanmar Times, June 13, 2016: <http://www.mmtimes.com/index.php/national-news/20808-shan-civilians-still-missing-in-namkham-as-40-more-allegedly-detained.html>.
- 150 The Irrawaddy, June 22, 2016: <http://www.irrawaddy.com/burma/after-shooting-of-kachin-teen-protesters-dispute-burma-army-claims.html>.
- 151 Myanmar Times, June 7, 2016: <http://www.mmtimes.com/index.php/national-news/20708-villagers-charged-for-allegedly-aiding-armed-group.html>.
- 152 *Id.*, June 20, 2016: <http://www.mmtimes.com/index.php/national-news/20930-arakan-army-soldiers-convicted-of-unlawful-association.html>.
- 153 The Irrawaddy, June 13, 2016: <http://www.irrawaddy.com/burma/burma-army-deploying-armed-drones.html>.
- 154 The Irrawaddy, June 15, 2016: <http://www.irrawaddy.com/burma/displaced-shan-return-to-villages-in-northern-shan-state.html>.