

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

JULY 2019 REPORT

Summary. This report reviews the July 2019 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. Political Developments

A. Rohingya Refugee Crisis

Monsoon Floods in Bangladesh Refugee Camps

Rohingya refugees living in Bangladesh in refugee camps are at risk of serious displacement and injury from monsoon flooding and landslides. The International Organization for Migration reported over 400 landslides, 60 windstorms and at least 28 incidents of flooding as a result of heavy and sustained rains in the first ten days of July, affecting over 22,000 people.¹ During the first two weeks of July, flooding and landslides displaced nearly 6,000 refugees in the camps near Cox's Bazar, damaged over 3,500 shelters and killed two people.² According to the Inter Sector Coordination Group, the 2019 southwestern monsoon in South Asia so far has affected 50,840 refugees.³ While aid agencies have improved shelter conditions and taken measures to prepare the refugee camps for monsoons by building safer infrastructure over the course of the past two years, a shortage of funding has prevented these agencies from providing adequate protection against extreme weather. The 2019 Joint Response Plan for the Rohingya humanitarian crisis noted that the shelter materials and disaster risk reduction training provided to the refugees last year are insufficient for protection against such weather conditions.⁴

Human Rights Watch interviewed ten Rohingya refugees living in four different settlements within the Kutupalong-Balukhali expansion camp. All of the refugees described a dearth of drinking water along with flooded toilets, which could foster disease outbreaks.⁵ Furthermore, children have stopped attending learning centers because of muddy conditions in their classrooms, leading to an interruption of the education of 60,000 children.⁶ Because the Bangladeshi authorities will only allow refugee shelters to be constructed with tarp, twine, bamboo and other flimsy materials (in order to maintain the "temporary" nature of the camps), the refugee shelters are particularly susceptible to damage and destruction by weather conditions.⁷ The Bangladesh government is still in favor of relocating refugees to Bhasan Char, the remote island in the Bay of Bengal that is at risk of flooding and becoming completely submerged by a strong cyclone during high tide.⁸ Human Rights Watch advises that the Bangladesh government halt this plan and encourages the government to instead consider relocation sites in Ukhiya subdistrict, an area that has been described as a possible relocation site that is able to accommodate more than 250,000 people.⁹

Repatriation Talks

On July 27, a Myanmar government delegation began repatriation talks with Rohingya leaders in Cox's Bazar.¹⁰ The Myanmar delegation, led by permanent foreign secretary Myint Thu, visited Kutupalong, the world's largest refugee settlement. They discussed repatriation with Rohingya community leaders over several hours. One of the Rohingya leaders present at the talks, Dil Mohammad, reiterated demands for Myanmar to recognize the Rohingya as an ethnic group.¹¹ Dil Mohammad stated that the talks "went well" and that he hopes that this discussion will be fruitful.¹²

B. Corruption

According to a statement from Zaw Myint Maung, Chief Minister of Mandalay Region, the National League for Democracy has received more complaint letters in recent months about local parliamentarians than it ever has since gaining control of the government.¹³ Zaw Myint Maung categorized the complaints as “fake” and as being used to target political opponents in upcoming elections. However, an NLD spokesperson noted that some of the complaints also included allegations of corruption and would be investigated.¹⁴

Following complaints of corruption, the Anti-Corruption Commission (“ACC”) seized meeting minutes going back to 2016 from the Ministry of Electricity and Energy.¹⁵ Allegations against the Ministry of Electricity and Energy relate to “tender issues” involving a minister’s son and, separately, involving electricity bills.¹⁶ The Electricity and Energy Minister has previously faced criticism for awarding contracts without inviting offers.¹⁷

President Win Myint has replaced Union Industry Minister Khin Maung Cho.¹⁸ The former minister is alleged to have failed to invite tenders for 1 billion kyat of materials purchased for the pharmaceutical industry.¹⁹ Allegations also point to the ministry’s overpayment for ambulances assembled locally.²⁰

C. International Community / Sanctions

On July 16, the United States imposed sanctions on several members of Myanmar’s military, barring them from entering the United States due to their role in the Rohingya crisis.²¹ The sanctioned individuals include Myanmar’s Commander-in-Chief Min Aung Hlaing, Min Aung Hlaing’s deputy Soe Win and Brigadier Generals Than Oo and Aung Aung.²² U.S. Secretary of State Mike Pompeo noted that the United States is concerned by the Myanmar government’s failure to hold accountable the various military perpetrators of the Rohingya crisis.²³ Specifically, Pompeo cited Min Aung Hlaing’s recent decision to release soldiers who had been convicted of extrajudicial killings at the village of Inn Din after only a few months in prison.²⁴ He also noted that Than Oo and Aung Aung were sanctioned for military operations that they led in Rakhine State—the epicenter of the Rohingya crisis.²⁵ U.N. special rapporteur, Yanghee Lee, however, views the travel ban as insufficient and urges tougher sanctions such as an asset freeze.²⁶ A military spokesman responded to the U.S. sanctions and described the travel ban as an intervention in Myanmar’s domestic affairs and an act of bullying against the military, government and people.²⁷

II. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

On July 18, the court in Yangon’s Insein Township ruled that the prosecution of Min Htin Ko Ko Gyi, a filmmaker and activist, would proceed.²⁸ Min Htin Ko Ko Gyi had been openly critical of the Tatmadaw-drafted 2008 constitution and the military’s intervention in the political and legal spheres and he has been in detention for approximately three months in Insein Prison.²⁹ The activist was charged under Article 505(a) of the Penal Code for allegedly threatening to cause members of the military to mutiny or neglect their duties and under Article 66(d) of the Telecommunications Law for defamation.³⁰ At the hearing, however, Lieutenant Colonel Lin Tun of the Tatmadaw testified that Min Htin Ko Ko Gyi’s social media posts did not cause

soldiers to mutiny or neglect their duties and that he filed a second lawsuit against Min Htin Ko Ko Gyi under Article 505(a) of the Penal Code because he was “unhappy” with the social media posts.³¹ The next court hearing, scheduled for August 1, will involve witness testimonies from both the prosecution and the defense.³² Speaking from prison, Min Htin Ko Ko Gyi stated that the military initiated the lawsuit because of “the apprehension within the Tatmadaw as the 2020 election draws near.”³³

On July 23, a court in Mandalay’s Pyigyidagun Township dropped charges against the Buddhist monk Sein Ti Ta, who had been charged by the military under Section 505(b) of the Penal Code for a Facebook post that allegedly could have harmed the state or public tranquility.³⁴ Sein Ti Ta has been a vocal critic of the Tatmadaw and a strong supporter of State Counselor Aung San Suu Kyi. A military officer filed a lawsuit against him earlier in May by submitting the charges directly to the court.³⁵ According to Aung Kyaw Oo, the Pyigyidagun Township court judge, the lawsuit should have been filed with the police first and, since the military plaintiff failed to satisfy this requirement, the lawsuit is ineffective.³⁶

Also on July 23, a court in Yangon’s Botahtaung Township granted bail to five student activists charged with harming public servants.³⁷ In April, the military filed lawsuits against five members of the Peacock Generation, a thangyat troupe, for defamation and for performance of traditional songs that criticize the military’s role in politics. The student activists subsequently engaged in an altercation with the police when sympathizers of the Peacock Generation attempted to speak to the press.³⁸ The activists were each released on a 2-million-kyat bail.³⁹

On July 3, four villagers from Aung Thabyay were each given 14-month prison sentences for violating the Peaceful Assembly and Peaceful Procession Law.⁴⁰ Along with 25 others who have also been sued, the villagers engaged in a series of protests in 2016 against the construction of a cement factory and the related expansion of a village road connecting the factory with the main road.⁴¹

On July 4, the Tatmadaw announced that it was opening cases against a group of Arakanese activists, who staged a “Rakhine Life Matters” protest calling for justice for civilian deaths in military detention.⁴² The military spokesperson declined to specify the legal basis of the charges.⁴³

B. Freedom of the Press and Censorship

On July 2, the court in Mandalay’s Maha Aung Myay Township dropped a lawsuit against Myanmar Now editor Ko Swe Win.⁴⁴ In 2017, Myanmar Now published an article criticizing Wirathu, a nationalist monk, and Wirathu’s supporters subsequently filed a case against Ko Swe Win, who has been on trial facing charges under Section 66(d) of the Telecommunications Act since July 30, 2017.⁴⁵ In dismissing the lawsuit, the judge cited plaintiff witnesses’ repeated failure to present themselves at court hearings.⁴⁶

Khun Zaw Oo, a journalist with the Democratic Voice of Burma, was detained in Lashio and charged with operating a car without a license in July.⁴⁷ Khun Zaw Oo claims that he was targeted because he reported on a group of amusement park workers who complained of not being paid and that police detained him at the request of the owner of the company that employs

the unpaid workers, saying the businessman was seeking revenge for his reporting. Another reporter, Myat Moe Thu, who was present during the interview with the owner of the company, said that the owner ordered his staff to lock the door and threatened to sue Khun Zaw Oo and subsequently called several local government departments asking them to take action against Khun Zaw Oo.

III. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

Foreign investment shows signs of recovery in Myanmar, led by more than twofold gains in inflows from China and Singapore. According to Myanmar's Directorate of Investment and Company Administration, approved foreign investments rose 79% compared to the previous year, reaching \$2.35 billion for the six months ended June 2019. Chinese and Hong Kong investment in Myanmar grew 150% to \$590 million during that period and investment from Singapore, where many Japanese and Western companies base their regional operations, nearly tripled to \$1.3 billion in the first half of 2019. Much of the Chinese capital went into Myanmar's garment industry. Foreign investment in Myanmar's manufacturing sector rose about 60% to \$700 million. Investment in transportation and telecommunications quadrupled to \$1 billion as the government approved a number of infrastructure projects, including Indian conglomerate Adani Group's plans for a container terminal at a port in the commercial capital of Yangon.⁴⁸

The Myanmar Investment Commission ("MIC") has recently permitted nine more investment enterprises, according to a release from the Directorate of Investment Company Administration ("DICA"). The permitted enterprises include foreign enterprises with \$101.2 million investment capital and local enterprises with a capital of \$73.8 million. The investments are in the country's manufacturing, livestock and fisheries, hotel and real estate sectors, creating 3,029 local employment opportunities.⁴⁹

Myanmar is looking to capitalize on a recent tourism rebound and stimulate more investment in the sector, following efforts to improve access to credit for smaller operators. Earlier this year, the first branch of the Myanmar Tourism Bank ("MTB") opened in Yangon and is the country's first bank dedicated to supporting the tourism and hospitality sector. The MTB is focused on providing low-cost, long-term loans to the sector, particularly to the small- to medium-scale segment, and will offer most of the services provided by commercial banks. The Yangon branch is the first of at least five, with sites planned to open later this year in Naypyidaw, Mandalay, Muse and Myawaddy.⁵⁰

The Yangon Stock Exchange ("YSX") will be the last of the region's markets to open up to foreign investors. The Yangon market regulator announced in July that it will allow foreigners to own shares of companies listed on the exchange. No date was set, but analysts expect trading to be liberalized by the end of this year. The latest announcement may spark interest among foreign retail investors resident in Yangon, but the major foreign investors, such as global asset and fund managers, may remain cautious until the YSX completes its ongoing reforms, in areas such as improving corporate governance and, protecting minority interests, as well as begins the listing of substantially more companies. The YSX is a relatively new

exchange which began trading in March 2016. Foreign individuals and locally-registered entities would be allowed to invest up to 35% in listed shares. Until the new trading rules are published, it remains unclear whether both resident and non-resident foreigners will be allowed to trade.⁵¹

According to officials of the Myanmar Ministry of Electricity and Energy (“MOEE”), foreign oil and gas companies with retail operations can apply to set up their businesses in Myanmar. While Myanmar remains the only member of ASEAN that does not allow 100% ownership in retail petroleum operations, it has allowed foreign oil and gas companies to cooperate with local retail petroleum operators to set up shop in the country since 2017. The government allowed private sector participation in retail petroleum operations starting from 2010.⁵²

B. Economic Development—Infrastructure, Major Projects

The Kyaukphyu deep-sea port project, a China-backed scheme under Beijing’s Belt and Road Initiative, began a legally required environmental and social impact assessment (“ESIA”) and preliminary geological survey. The project aims to develop the port as part of a special economic zone in Rakhine State. The ESIA project is anticipated to take at least a year and a half, meaning that the earliest construction could begin would be in early 2021. Led by CITIC Group Corporation, a Chinese state firm, the consortium also includes four other Chinese enterprises.⁵³

On July 9, India completed over 250 completed prefabricated houses in Rakhine State as part of a broader effort to help Rohingya Muslims to return. The construction of these houses, which are located in the villages of Shwe Zar, Kyein Chaung Taung and Nant Thar Taung, is part of an agreement signed by India and Myanmar in 2017, which India committed to spending \$25 million over five years. The Myanmar government has also requested that India fund 21 other projects as part of the agreement, including the construction of small villages, culverts and school buildings.⁵⁴

Myanmar and Japan have revived talks on building the Hanthawaddy International Airport, located 80km north of Yangon near Bago, and will form a joint venture and sign an agreement next year to kick-start the long-postponed project. The two countries have met at least four times to discuss details of the project, which will be financed by Japanese government loans. Discussions are also underway to link the new airport with Yangon via an express highway in the first phase and an express railway in the second phase.⁵⁵

On July 18, the United League of Arakan, the political wing of the rebel Arakan Army, announced in a statement that it is “prepared to work hand in hand with the organizations and individuals working for multi-sectoral development” and expressed their “eagerness to extend a welcoming hand to those governments and organizations willing to invest in the Arakan state for mutual benefit and enterprise.” Their announcement seems to indicate their approval of projects like the China-based deep sea port and Kyaukphyu Special Economic Zone under the Belt and Road Initiative.⁵⁶

This month, India completed the construction of a seaport and the inland water terminal in Sittwe, Rakhine State, which forms part of the \$484 million Kaladan multi-modal transit

transport project that would link Kolkata (in India) to Sittwe (in Myanmar). The Sittwe port will be linked via the Kaladan River to Paletwa in Chin State, which will then be further linked by a road to Zorinpui, Mizoram in northeast India.⁵⁷

Hong Kong-listed China Lesso Group Holdings Ltd, a building materials supplier, has entered into a joint venture with Ever to build an integrated commercial and logistics complex worth US\$87 million in Yangon. The joint venture, called Lesso Home Development, has been authorized by the Myanmar Investment Commission and will be developed over 3 years and create up to 2,000 jobs when operational.⁵⁸

Myanmar, Japan and Thailand will meet to discuss the troubled Dawei special economic zone project, a US\$8 billion project that includes a deep seaport, set to be Southeast Asia's largest industrial complex. An initial memorandum of understanding between the Myanmar and Thai governments was signed in 2008, but the project stalled in 2013 due to a lack of investment and funding, despite the commitment of both governments to the project. The ministerial-level meeting will be held to discuss the roles of the parties. Plans for the special economic zone will be reworked into an export base to markets such as India and will prioritize logistics and port facilities to turn it into a base for shipping and light industry by 2030. The Myanmar government is currently negotiating the conditions precedent with the concessionaries for the initial phase of construction work. There has been resistance from local residents due to the feared social and environmental impact since the project was first announced. In particular, there are calls for a more comprehensive biodiversity protection plan regarding the 138km, two-lane Dawei Road, which links the Dawei special economic zone to Thailand and runs through the Dawna Tenasserim, one of the largest stretches of connected forests in Asia and home to an amazing variety of wildlife.⁵⁹

The Myanmar Times published an investigation uncovering multiple failures by the Myanmar Investment Commission to publicize proposed infrastructure projects, as legally required by the Investment Law.⁶⁰

C. Land Seizure

A land dispute between residents of two villages in the Magwe Region erupted into violence this month. At least 24 people died and 14 were declared missing.⁶¹ The two villages are located on an island in the Ayeyarwady River, which has eroded and flooded sections of the island.⁶² Farmland on the island is typically divided between the villages after each annual flood.⁶³ The Magwe Region Chief Minister has formed a six-member team to investigate the riots.⁶⁴

In Mandalay, action is planned against people living illegally in city-built rental houses.⁶⁵ Many of these residents live in apartments, illegally sublet or sold to them by the original owners or are accused of drug dealing.⁶⁶ Of approximately 1,500 apartments only 500 are still occupied by their original (legal) tenants.⁶⁷ Relatedly, the government plans to sell additional affordable apartments in Mandalay, with over 540 units slated to be sold in July 2019.⁶⁸ The apartments are allocated to requesters via a lottery system.⁶⁹

In 2001, land was appropriated for a coffee-planting project in Mandalay Region.⁷⁰ Only a portion of that land has been utilized to date, and the owners of the unutilized land are now requesting the return of their land.⁷¹ In nearby townships, some of the unutilized land has already been transferred back to the original owners, although the requests of some groups of locals have been ignored.⁷²

More than 130 plots of land in Mandalay Region seized during the transition from military rule are to be returned to their owners.⁷³ Certain plots have already been slated for public use, but for those that have not been so designated, the government intends to return single plots to individuals who purchased them with their own money.⁷⁴

IV. Peace Talks and Ethnic Violence

A. Ethnic Violence

The Tatmadaw extended its unilateral ceasefire across five regional commands in Kachin and Shan States for an additional two months, concluding on August 31.⁷⁵ This is the second extension of the unilateral ceasefire since its inception on December 21, 2018.⁷⁶ The Tatmadaw said the extension is aimed at fostering constructive peace talks with ethnic armed organizations that have not yet signed the Nationwide Ceasefire Agreement or more limited bilateral deals with the military.⁷⁷ Rakhine State remains excluded from the ceasefire. The Tatmadaw said the exclusion is due to the threat posed by the Arakan Rohingya Salvation Army, which the government has denounced as a terrorist group.

Clashes between the Tatmadaw and the Arakan Army (“AA”) broke out in the Rathedaung, Kyauktaw and Minbya townships of northern Rakhine State on June 30.⁷⁸ Locals in and around nearby villages fled due to the violence. AA information officer Khaing Thu Kha claimed that the Tatmadaw suffered over 50 fatalities with many more injured, while the AA lost two fighters. Colonel Win Zaw Oo, a spokesperson for the Tatmadaw’s Western Command, confirmed clashes in three townships in Rakhine, but denied that any Tatmadaw soldiers were killed.

Residents of the villages of Amyet Taung, in Rakhine State’s Rathedaung Township, fled from their homes on July 5 after some of their houses were set on fire.⁷⁹ According to villagers, after hearing gunshots from clashes north of the village, Tatmadaw soldiers came to their village and set their houses on fire. Colonel Win Zaw Oo, spokesperson of the Tatmadaw’s Western Command, denied any clashes or Tatmadaw clearance operations near Amyet Taung Village.

The Tatmadaw used an attack helicopter to conduct air strikes during clashes with the AA in a rural area of northern Rakhine’s Buthidaung Township on July 18.⁸⁰ The AA did not offer casualty figures but claimed that in a separate clash in Ponnagyun Township on the same day AA fighters killed about 10 Tatmadaw personnel in a guerilla-style ambush.

According to the Tatmadaw, the AA attacked a police outpost in Buthidaung Township in northern Rakhine State on July 26, injuring four policemen.⁸¹ The Tatmadaw also said that one AA fighter died in the attack. “I would say the AA has hampered regional stability and the rule of law again by continuing its attacks on police outposts,” Brigadier General Zaw Min Tun said.

According to a human rights organization, the Khumi Affairs Coordination Council (“KACC”), twelve villagers abducted by the AA in Chin State’s Paletwa Township in February escaped in the last week of June.⁸² A relative of one of the escapees said that the villagers were separated from one another and forced to work on a farm, collecting firewood and cooking. AA information officer Khaing Thuka denied that the group had abducted the villagers, saying they were moved for their own safety. “They are staying near the ‘zero line’ [demarcating a buffer zone] on the Bangladeshi border. They are allowed to go anywhere freely. There is no restriction. We aren’t detaining them,” he said.

According to the Ta’ang National Liberation Army (“TNLA”), the Tatmadaw and the TNLA have clashed at least 10 times in Lashio, Namtu, Kutkai and Manton townships in Shan State since the extension of the ceasefire on June 30.⁸³

The Ta’ang Human Rights Network claimed that the Restoration Council of Shan State/Shan State Army (“RCSS/SSA”) has committed human rights abuses against over 170 Ta’ang people.⁸⁴ A total of 62 abuses were recorded between 2015 and June 2019, in which 173 Ta’ang people sustained human rights violations by the RCSS, including the seizure of motorbikes, extortion, detention and torture, said Lwey Po Se of the Ta’ang Human Rights Network. The Ta’ang Human Rights Network, citing the NCA, called on the RCSS not to put the burden on civilians and to respect international laws of armed conflict. RCSS spokesperson Lieutenant-Colonel Sai Oo has denied the allegations of the Ta’ang Human Rights Network but admitted to arresting some civilians during armed conflicts, insisting they were not abused and were later released.

Family members of two missing ethnic Ta’ang say that the two have been killed by the Restoration Council of Shan State (“RCSS”).⁸⁵ The missing father and son, who lived in Ho Nam Village, were traveling by motorbike from Namsan Township to Lashio when they were arrested by RCSS members on June 7. A community leader from Ho Nam Village said that they two were civilians and not affiliated with the Ta’ang National Liberation Army. An RCSS spokesperson denies that the armed group killed the two.

The Tatmadaw has formed a team to investigate the deaths of civilians held in its custody, amid criticism over the rising number of civilian deaths during military operations against the AA in Rakhine State.⁸⁶ An announcement from the Tatmadaw’s True News Information Team on Friday said the investigation will cover the death of “some civilians” while in detention, plus an investigation of civilian deaths related to the AA and AA-affiliated suspects in four townships in northern Rakhine State. Military spokesman Brigadier-General Zaw Min Tun said that the investigation team will collect all testimonies from soldiers involved in the cases, and from the witnesses, including the civilians from the villages involved. However, he did not confirm the number of cases or the number of civilian deaths they will investigate.

B. Peace Talks

The ten ethnic armed groups that have signed the National Ceasefire Agreement (“NCA”) met in Yangon in July to discuss holding the fourth session of the 21st Century Panglong Conference this year.⁸⁷ The meeting was the first in nine months between the NCA signatories

and the government's Union Peace Dialogue Joint Committee ("UPDJC"). During the meeting, the members of the signatory groups and the UPDJC discussed the current peace process, the condition of sectored political dialogues and the preparation for the future working plan. The need to establish a stronger mechanism for the peace process beyond 2020 was also discussed at the meeting.

The Myanmar government's Peace Commission and representatives of the four-member Northern Alliance held formal discussions at the headquarters of National Democratic Alliance Army in eastern Shan State on June 30.⁸⁸ The talks had been postponed for two months due to disputes over the location of the meeting. The Peace Commission shared a draft text of a bilateral ceasefire agreement proposal with the Northern Alliance, which includes the Kachin Independence Army, the Ta'ang National Liberation Army, the Arakan Army and Kokang's Myanmar National Democratic Alliance Army. The draft ceasefire reportedly includes a provision requiring that Kachin Independence Army provide troop numbers and lists of weapons in their possession to the Tatmadaw and Union government.⁸⁹

The Myanmar government proposed that the Karenni National Progressive Party ("KNPP") sign the NCA in September or October.⁹⁰ The KNPP said that they would discuss the proposal at its central committee. Khy Oo Reh, vice chair of the KNPP, also said there is a need to reduce unnecessary discussions. "We need to skip general agreements and focus on firm promises," he said. "We will get good results if we find a new path that all can follow."⁹¹

The Karen National Union ("KNU") vice president, Padoh Saw Kwe Htoo Win, said that the KNU's decision to stop attending negotiations with the government does not mean that the peace process is broken.⁹² He said that the KNU needs time to review the obstacles to the dialogue in order to move forward. The KNU temporarily suspended its participation in peace negotiations in October 2018.

National Democratic Alliance Army ("NDAA") chairman Sai Lin pledged to preserve "eternal peace" in a speech at an event to mark the 30th anniversary of the group's truce with the government.⁹³ At the event, the Myanmar national flag was hoisted and the Myanmar national anthem was sung. Additionally, State Counselor Aung San Suu Kyi sent a message to the event and delegates of the Peace Commission were in attendance. In her message, the State Counselor urged the NDAA to sign the NCA and help shape the federal Union by participating in political dialogue.

AA spokesperson Khine Thukha said the reason for the bottleneck in peace talks between the Peace Commission and the AA in Naypyidaw is due to the Tatmadaw's ongoing prosecution of AA leaders in Rakhine State.⁹⁴ AA chief Major-General Tun Myat Naing, deputy chief Brigadier General Nyo Tun Aung, Colonel Kyaw Han, AA spokesperson Khine Thukha and San Shwe Maung have all been charged with terrorism as defined in Section 3(b) of the 2014 Counter-Terrorism Law. The sentencing guidelines in Section 52(a) of that law stipulate a maximum lifetime sentence. Brigadier General Zaw Min Tun said that even now the prosecution process is coming "too late" as the AA had intentionally targeted four border police posts in Buthidaung in early January, leaving nine policemen dead, including a police major.

- ¹ Human Rights Watch, July 12, 2019: <https://www.hrw.org/news/2019/07/12/bangladesh-rohingya-face-monsoon-floods-landslides>.
- ² *Id.*
- ³ ISCG, July 31, 2019: <https://reliefweb.int/report/bangladesh/isgc-situation-report-rohingya-refugee-crisis-cox-s-bazar-july-2019>.
- ⁴ Human Rights Watch, July 12, 2019: <https://www.hrw.org/news/2019/07/12/bangladesh-rohingya-face-monsoon-floods-landslides>.
- ⁵ *Id.*
- ⁶ *Id.*
- ⁷ *Id.*
- ⁸ *Id.*
- ⁹ *Id.*
- ¹⁰ Agence France-Presse, July 27, 2019: <https://www.theguardian.com/world/2019/jul/28/rohingya-call-for-recognition-as-myanmar-holds-fresh-repatriation-talks>.
- ¹¹ *Id.*
- ¹² *Id.*
- ¹³ The Irrawaddy, July 5, 2019: <https://www.irrawaddy.com/news/burma/nld-sees-rash-fake-complaints.html>.
- ¹⁴ *Id.*
- ¹⁵ The Irrawaddy, July 22, 2019: <https://www.irrawaddy.com/news/burma/anti-corruption-committee-steps-energy-ministry-investigation.html>.
- ¹⁶ *Id.*
- ¹⁷ *Id.*
- ¹⁸ The Irrawaddy, July 25, 2019: <https://www.irrawaddy.com/news/burma/president-reportedly-set-fire-industry-minister-corruption.html>; The Irrawaddy, July 31, 2019: <https://www.irrawaddy.com/news/burma/finance-minister-u-soe-win-head-scandal-hit-industry-ministry.html>.
- ¹⁹ The Irrawaddy, July 25, 2019: <https://www.irrawaddy.com/news/burma/president-reportedly-set-fire-industry-minister-corruption.html>.
- ²⁰ *Id.*
- ²¹ The Irrawaddy, July 17, 2019: <https://www.irrawaddy.com/news/burma/u-s-imposes-sanctions-myanmar-commander-chief-rohingya-abuses.html>.
- ²² *Id.*
- ²³ *Id.*
- ²⁴ *Id.*
- ²⁵ The Irrawaddy, July 17, 2019: <https://www.irrawaddy.com/news/burma/us-sanctions-hurt-military-dignity.html>.
- ²⁶ Reuters, July 18, 2019: <https://www.reuters.com/article/us-myanmar-rohingya-malaysia/u-s-sanctions-on-myanmar-military-leaders-inadequate-u-n-investigator-idUSKCN1UD1BS>.
- ²⁷ The Irrawaddy, July 24, 2019: <https://www.irrawaddy.com/news/burma/us-ban-generals-act-bullying-whole-country-military-says.html>.
- ²⁸ The Irrawaddy, July 18, 2019: <https://www.irrawaddy.com/news/prosecution-filmmaker-sued-military-proceed-court.html>.
- ²⁹ The Irrawaddy, July 5, 2019: <https://www.irrawaddy.com/news/burma/court-decide-july-18-whether-filmmaker-will-prosecuted.html>.
- ³⁰ The Irrawaddy, July 18, 2019: <https://www.irrawaddy.com/news/prosecution-filmmaker-sued-military-proceed-court.html>.
- ³¹ *Id.*
- ³² *Id.*
- ³³ Frontier Myanmar, July 17, 2019: <https://frontiermyanmar.net/en/detained-filmmaker-u-min-htin-ko-ko-gyi-speaks-from-insein-prison>.
- ³⁴ The Irrawaddy, July 23, 2019: <https://www.irrawaddy.com/news/burma/charges-dropped-mandalay-military-critic.html>.
- ³⁵ *Id.*
- ³⁶ *Id.*
- ³⁷ The Irrawaddy, July 23, 2019: <https://www.irrawaddy.com/news/burma/activists-2m-kyat-bail.html>.
- ³⁸ *Id.*
- ³⁹ *Id.*
- ⁴⁰ The Irrawaddy, July 3, 2019: <https://www.irrawaddy.com/news/cement-factory-protectors-given-14-months-imprisonment.html>.
- ⁴¹ *Id.*
- ⁴² The Irrawaddy, July 4, 2019: <https://www.irrawaddy.com/news/burma/rakhine-life-matters-protectors-sought-police-sittwe.html>.
- ⁴³ *Id.*
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