

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

MARCH 2021 REPORT

Summary. This report reviews the March 2021 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. Coup and Crackdown on Protests

At least 102 civilians, including at least four children, were killed by the military regime on March 27, raising the death toll from the security forces' lethal crackdown on anti-regime protests to 452.¹ Undaunted by previous deadly crackdowns, people across Myanmar took to the streets to mark "Anti-Military Dictatorship Day," while the coup leaders in Naypyitaw celebrated the 76th Armed Forces Day.² Historically, March 27 is remembered as the day on which Myanmar's armed resistance against the Japanese fascists was launched in 1945. Thousands of anti-protesters defied a warning issued to the public on military-controlled Myanmar Radio and Television, MRTV, not to protest on Armed Forces Day.³ MRTV delivered an open threat from the military to shoot protesters in the head and back if they took to the streets.

During the crackdown on protesters, the military regime's forces have used not only live rounds but also hand grenades.⁴ The military regime's brutal attacks on demonstrators occurred in several cities across Myanmar, including Hpakant, the jade-mining hub in Kachin State in the country's north, Monywa, Kale, Mandalay, Myingyan, Bago, Patheingyi, Yangon's South Dagon and Taunggyi in Shan State.⁵ After a young anti-regime protester was killed by a grenade attack on March 26, the regime's forces continued to use hand grenades while randomly firing live rounds on an anti-regime protest in Yangon's Hlaing Township on March 28.⁶ During the attack, one civilian lost his left hand in a grenade explosion and suffered additional wounds to his body.⁷ Another civilian was wounded in the leg by a grenade explosion. Among those killed on March 27, a neighborhood watch member was burned alive after being injured by gunfire from Myanmar's security forces in Aungmyethazan Township, Mandalay.⁸

On March 26, security forces seized ambulances before opening fire on anti-regime protesters and bystanders in Tanintharyi Region's Myeik Township.⁹ At least four people were killed and at least two dozen were injured during the deadly crackdown.¹⁰ Several protesters were arrested.¹¹ Local residents told news media that security forces used two ambulances owned by the fire service department during the assault on protesters.¹² On March 25, two people were killed by security forces during a crackdown on anti-regime protests in Yangon's South Dagon Township.¹³ Several people were also injured in the shooting.¹⁴ In addition, one man was shot dead and at least seven people were injured by gunfire from security forces against the residents in Sagaing Region's Tamu Township on March 25.¹⁵

Amid the intensified deadly crackdown, tens of thousands of people across Myanmar have continued to take to the streets day and night to show their defiance of the military regime.¹⁶

Meanwhile, thousands of government staff and employees from the country's essential business sectors are taking part in the nationwide civil disobedience movement by defying the military rules.

II. Political Developments

A. Rohingya Refugee Crisis

On March 22, a devastating fire spread rapidly through the Kutupalong refugee camp in Cox's Bazar.¹⁷ Initial estimates indicated that more than 87,000 mostly Rohingya refugees could have been caught up in the fire, which started around 3 p.m. in Camp 8W and spread to Camps 8E, 9 and 10.¹⁸ The fire quickly spread uncontrollably, fueled by strong winds and hundreds of cooking gas cylinders that exploded as the fire spread across the camp.¹⁹ The International Federation of Red Cross and Red Crescent Societies reported that more than 17,000 shelters had been destroyed and tens of thousands of people displaced.²⁰ More than a thousand Red Cross staff and volunteers worked to extinguish the fire that affected portions of the camp, which contained roughly 124,000 people (representing around 10% of an estimated one million Rohingya refugees in the area).²¹ The United Nations International Organization for Migration estimated that approximately 66% of the camp's population have been impacted by the fire.²² According to early estimates from the Inter Sector Coordination Group in Cox's Bazar, 15 people lost their lives in the fire, approximately 560 people were injured, and over 400 people are missing.²³ Some witnesses reported that barbed wire fencing around the camp trapped many people, hurting some and preventing children from being able to flee.²⁴ International humanitarian agencies are now calling for the removal of the fences, adding that the fences had hampered the distribution of humanitarian aid and vital services at the camps in the past.²⁵ Furthermore, the fire has also destroyed more than 1,600 infrastructure facilities vital for daily operations, including hospitals, learning centers, aid distribution points and a registration center.²⁶

During the first week of March, Bangladesh continued to move more Rohingya refugees to Bhasan Char, despite ongoing complaints from human rights groups about the island's vulnerability to storms and flooding. In total, over 10,000 refugees have been relocated to Bhasan Char since early December and nearly 4,000 more refugees were scheduled to be moved in early March.²⁷ The Bangladesh government claims that the relocation is voluntary, but some refugees reported being coerced.²⁸ In the middle of March, a United Nations delegation visited Bhasan Char for three days.²⁹ The intent of the visit was to assess the current situation and facilities on the island, appraise the needs of the refugees relocated there and have discussions with authorities currently working on the island.³⁰ The United Nations had not previously been allowed to conduct a technical and safety assessment of Bhasan Char and was not involved in the previous transfers of refugees there.³¹ In the last week of March, an additional 2,500 Rohingya refugees were relocated from the camps in Cox's Bazar to Bhasan Char, marking the sixth round of relocations.³²

B. Corruption

The military regime has alleged two separate corruption violations against detained leader Aung San Suu Kyi, accusing her of accepting bribes of more than \$500,000 from a local

businessman and of \$600,000 and 11.43 kg of gold from Chief Minister Phyo Min Thein.³³ The military regime has also announced an investigation into the finances of a charity founded by Aung San Suu Kyi, a move that some fear could be a pretext for filing further charges.³⁴ Corruption probes have also been leveled against Win Myint and NLD chief ministers, including Dr. Zaw Myint Maung, Dr. Mying Naing, and Dr. Aye Zan.³⁵

The military governing body has authorized the death penalty against those in townships under martial law who commit one of 23 enumerated offenses, which include corruption, high treason, and sedition.³⁶ Those accused of committing one of the 23 crimes will be tried in military court and, if sentenced to death, can appeal only to the military governing body's chairman and Yangon regional commander.³⁷

C. International Community / Sanctions

A United Nations ("UN") special envoy warned the UN Security Council on March 31 that "a bloodbath is imminent" in Myanmar if the Security Council did not act to curb the military regime's violent crackdown against protesters.³⁸ The envoy warned that "[t]he military's cruelty is too severe and many (armed ethnic fighters) are taking clear stances of opposition, increasing the possibility of civil war at an unprecedented scale."³⁹

In response to the continued violence against anti-coup protestors, the United States tightened export controls on Myanmar, reclassifying the level of scrutiny for exports of any sensitive technology or materials to the same level as exports to China and Russia.⁴⁰ The United States also imposed sanctions on two Myanmar military-controlled conglomerates, Myanmar Economic Holdings Public Company Limited and Myanmar Economic Corporation Limited.⁴¹ The conglomerates control a wide range of businesses, including businesses in the banking, trade, logistics, construction, mining tourism and consumer goods industries.⁴² The United Kingdom also imposed sanctions on Myanmar Economic Holdings Public Company Limited.⁴³ The European Union similarly condemned the military crackdown and confirmed that its bloc of members would adopt sanctions in response.⁴⁴

The U.S. Ambassador to Myanmar spoke to the Deputy Commander-in-Chief of the Myanmar Armed Forces at the beginning of March to urge the immediate cessation of all violence against demonstrators, the immediate release of all detainees, including Aung San Suu Kyi, the end of communication blackouts and the restoration of the democratically elected government.⁴⁵ Italy also summoned Myanmar's ambassador to demand an end to the deadly crackdown, to repeat its condemnation of Myanmar's military coup and to request the immediate release of all those arrested in connection with the coup.⁴⁶

Defense chiefs of twelve nations, including the United States, UK, Japan and Australia, signed a joint statement condemning the military regime's use of lethal force against civilians.⁴⁷ International leadership has also continued to denounce the military coup.⁴⁸

Japan, Myanmar's largest developmental aid provider, suspended new aid programs following the military regime's brutal crackdown on anti-regime protestors in late March.⁴⁹ Japan's foreign minister informed the Japanese parliament that "Japan is not planning any new projects [in Myanmar]. We have taken a clear stance."⁵⁰

In addition to governmental responses, numerous international corporations have cut ties with Myanmar, including Électricité de France, a French energy company, which suspended a hydropower project in Myanmar's Shan State worth more than \$1.5 billion over human rights concerns, and Giesecke and Devrient, a German company, which halted deliveries of products used to make Myanmar bank notes.⁵¹ Elected lawmakers from Myanmar's National League for Democracy have called on foreign-owned oil and gas companies operating in Myanmar to suspend business ties with the military regime, warning that the funds from sales of oil and gas may be used to reinforce human rights violations in Myanmar.⁵²

The Association of Southeast Asian Nations announced in early March 2021 that it is ready to assist Myanmar in a "positive, peaceful and constructive manner."⁵³

Thomas Andrews, the UN special rapporteur on human rights in Myanmar, warned that the military regime is probably committing crimes against humanity, stating that there is clear evidence that the regime's crimes are widespread and part of a coordinated campaign.⁵⁴ A UN expert urged the UN Security Council to impose a global arms embargo and targeted sanctions against Myanmar's military, and the United Kingdom urged its citizens to leave Myanmar, if possible.⁵⁵

Facing continued criticism on the world stage and from anti-coup protestors, China and Russia have both expressed "deep concern" about the situation in Myanmar. However, both countries opposed the UN Security Council resolution condemning the coup.⁵⁶ China put forward a three-point proposal on de-escalating the situation in Myanmar, although the plan does not explicitly condemn the coup.⁵⁷

III. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

The Committee Representing Pyidaungsu Hluttaw ("CRPH") was founded by National League for Democracy ("NLD") lawmakers following the February coup as a challenge to the legitimacy of the military regime, both at home and abroad. On March 19, the military regime outlawed CRPH, saying it "constitutes a danger to the rule of law, peace and stability of the state, and public peace."⁵⁸ While enjoying popular support both in Myanmar and overseas, the CRPH operates underground in the country; its representatives abroad have asserted the CRPH's status as the legitimate representative body of the Myanmar people at a time when the country's elected leaders, including President Win Myint and State Counselor Aung San Suu Kyi, are being detained by the junta.⁵⁹

As public anger toward the military regime intensified following the junta's lethal crackdown on anti-coup protesters, Myanmar civilians have begun publicly shaming prominent members of military families on social media.⁶⁰ Tech-savvy pro-democracy supporters have launched a website and set up a page on Facebook revealing almost 160 people who are linked with the leaders of the February 1 coup and the junta's cabinet members.⁶¹

On March 26, the military regime said on state-run MRTV that young people had been misled by "foreign henchmen" and attributed their eagerness to join protests to a mistaken belief

that it was like playing a video game.⁶² “You should take lessons from earlier ugly deaths, that you could be in danger of getting shot in the head and back.” The spokesperson also urged parents to prevent their children from getting involved in protests.⁶³ The message was the regime’s first acknowledgement of the high incidence of fatal head and torso gunshot wounds among the protester casualties.⁶⁴ The military regime previously claimed that “live rounds were not allowed to be used” and that riot-control projectiles including rubber bullets could only be used on protesters “below the waist.”⁶⁵

Myanmar’s military regime has dismissed around 120 staff from the Ministry of Information who refused to work and have joined the civil disobedience movement.⁶⁶ The regime notified the striking civil servants from MRTV, which is controlled by the Ministry, of the dismissals in Yangon, Naypyitaw and various states.⁶⁷

Facebook, YouTube, and TikTok have been used by the Myanmar government to spread misinformation in tandem with its state-run media.⁶⁸ YouTube announced that it would remove five of Myanmar’s military-run channels and banned pages linked to Myanmar’s army, including accounts linked to state network MRTV.⁶⁹ TikTok also announced it was removing content that incites violence.⁷⁰

B. Freedom of the Press and Censorship

On March 12, the military regime sued The Irrawaddy under Article 505(a) of the Penal Code, which outlaws statements likely to cause military personnel to mutiny or disregard duties.⁷¹ Penalties for violations include up to 3 years in prison.⁷² Since the coup, the press has faced an onslaught of retaliation from the military, which has included the arrest of journalists and editors and late night raids.⁷³ For example, Myanmar security forces raided the offices of three independent media outlets in Yangon following a government-issued ban of the following five media outlets: Mizzima, Democratic Voice of Burma (DVB), Myanmar Now, Khit Thit Media, and 7Day News.⁷⁴ Despite the ban, four of the five outlets announced their intent to continue to publish online.⁷⁵

At least 25 journalists have been detained during the police crackdown against the anti-regime demonstrations across Myanmar between February 14 and March 1, with 10 journalists still in detention.⁷⁶ On March 3, Associated Press journalist Thein Zaw and five other members of the media were charged over their coverage of the protests against the February 1 coup. Accused of violating a public order law, the six face a potential maximum penalty of three years imprisonment.⁷⁷ On March 19, two more Myanmar journalists working for the BBC and Mizzima News were arrested by the military regime, raising the number of detained reporters to 19.⁷⁸ On March 24, Thein Zaw was released from Insein Prison in Yangon, with all charges dropped.⁷⁹ Four staff from the Shan State-based ethnic media Kanbawza Tai News were detained by the security forces after a raid on March 24.⁸⁰ The detainees include two journalists, a publisher and a security guard.⁸¹

IV. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

According to a report published by the Australian Centre for International Justice and Justice for Myanmar, Indian conglomerate Adani Group, through its subsidiary Adani Ports and Special Economic Zone Limited (the “Adani Ports”), which is building a container port in Yangon under agreement with the Myanmar Economic Corporation (the “MEC”), is funding the Myanmar military.⁸² According to certain leaked documents, Adani Ports is paying \$30 million to MEC for “land lease fees.” The report alleges that such fees are being used to fund the activities of the Myanmar military.

Justice for Myanmar, an international campaign group, reported that two Dutch pension funds had longstanding economic ties to the Myanmar military.⁸³ Myanmar government documents revealed that the two Dutch pension fund asset managers, PGGM and APG, held investments in 20 publicly traded companies operating in Myanmar, including businesses in oil and gas, telecommunications, real estate, consumer goods and military technology industries, among others. The investments collectively amounted to approximately US\$2.3 billion. According to Dutch news organization NU.nl, APG and PGGM claimed that they “do not invest in government bonds or Myanmar companies.”

B. Economic Development—Infrastructure, Major Projects

French energy giant Électricité de France (“EDF”) has suspended a hydropower project worth more than US\$1.5 billion (2.11 trillion kyat) in Myanmar’s Shan State over human rights concerns as the military regime continues to use lethal force to crack down on anti-coup protesters across the country.⁸⁴ By March 19, it halted development of the Shweli-3 Project.⁸⁵ The 671MW project is a joint development with Japan’s Marubeni Corporation and locally owned Myanmar Ayeyar Hinthar Company.⁸⁶

The Japan International Cooperation Agency (“JICA”) is working with the Myanmar Economic Corporation (“MEC”) on a \$323 million project to build a new bridge connecting central Yangon to the southeastern township of Thanlyin.⁸⁷ The 1,928-foot Yangon-Thanlyin Bridge would cross the Bago River, easing traffic congestion and speeding up the flow of goods between the city center and the Thilawa Special Economic Zone, another Japan-backed project.⁸⁸ The project, which was agreed in early 2019 and scheduled for completion in 2023, is mostly funded with low interest loans disbursed by JICA to Myanmar in annual installments. Myanmar has also agreed to contribute \$40.6 million towards the cost.⁸⁹ Engineers have urged Japan’s foreign development agency to cut ties with the MEC given its connections to the Myanmar military and its blacklisting by the U.S. Treasury on March 25 in response to the February 1 coup.⁹⁰

C. Land Seizure

There have been no material updates since the previous report.

V. Peace Talks and Ethnic Violence

A. Ethnic Violence

Myanmar's military has conducted a number of airstrikes in southeastern Kayin State since the end of March, forcing thousands of residents to flee into the jungles.⁹¹ Many of the targeted villages are controlled by the Karen National Union ("KNU"), an ethnic armed group that holds large swathes of territory in the borderlands.⁹² A 5-year-old boy died in a bombing and a 12-year-old girl was hit in the face by bomb shrapnel, according to relief organization Free Burma Rangers ("FBR").⁹³ A high school in Dwe Lo Township was also destroyed in an airstrike, but no casualties were reported as the students were in hiding, FBR said.⁹⁴ Additionally, six people were killed and 11 injured by airstrikes near Hsaw Hti Township.⁹⁵ In a statement on March 30, the KNU condemned the Myanmar military's bombing campaign, saying that villagers, including underage children, have been killed by airstrikes and many are injured.⁹⁶ The KNU also said it took over an outpost "to stop the terrorizing of villagers and allow people to return safely to their communities."⁹⁷ The rebels said Myanmar military troops were moving into KNU-held areas, despite a ceasefire in place since 2015.⁹⁸ In a report in the military-controlled Global New Light of Myanmar, Gen. Min Aung Hlaing accused the KNU of "dancing to the tune of countries and organizations," which oppose the military regime.⁹⁹ The crackdown is the first time in 20 years airstrikes have been carried out in KNU-controlled territory, said David Eubank, founder of Free Burma Rangers.¹⁰⁰

Since the airstrikes began, 3,000 people have attempted to cross the Salween River into Thailand and 2,000 were pushed back, according to the KNU.¹⁰¹ Activist group the Karen Women's Organization ("KWO"), which operates within Kayin State and refugee camps in Thailand, confirmed that the airstrikes had forced 10,000 people in the state from their homes, and 3,000 had crossed into Thailand.¹⁰² Hundreds have also trekked across western Myanmar to cross into the neighboring Indian state of Mizoram.¹⁰³

Earlier in March, the Kachin Independence Army ("KIA") carried out a pre-dawn attack on a Myanmar military outpost near the village of Selzin in Hpakant Township, Kachin State.¹⁰⁴ KIA troops withdrew without occupying the outpost and Myanmar's military then attacked the KIA Battalion 26 headquarters with helicopters.¹⁰⁵ There have been few major clashes between Myanmar's military and the KIA since late 2018, and the two sides were in the process of negotiating a ceasefire.¹⁰⁶ Military tensions resurfaced when the Tatmadaw attacked four KIA outposts in northern Shan State after its February 1 coup.¹⁰⁷ Myanmar's military governing body, the State Administrative Council, declared that it would continue the peace process with ethnic armed organizations, but the KIA said it would stand by the people and has refused to recognize the military regime.¹⁰⁸ Following anti-regime protests in Kachin State, the KIA called on the military's Northern Command not to use live ammunition against protesters.¹⁰⁹ However, two protesters were recently killed during the crackdown, and the KIA has threatened to retaliate if more violence is used against protesters.¹¹⁰

At the end of March, the KIA attacked a police station in Kyaukgyi village-tract in Shwegu Township, Kachin State.¹¹¹ A spokesman for the KIA said the attack was carried out because police are involved in lethal crackdowns on anti-military regime protesters.¹¹² A police officer was reportedly injured in the KIA attack.¹¹³ More than 400 government employees,

including policemen, are participating in the civil disobedience movement in Shwegu.¹¹⁴ According to the information gathered by The Irrawaddy, at least 40 police have joined the movement in Kachin State and some have sought refuge in KIA-controlled areas for fear of arrest.¹¹⁵ The armed group also carried out an artillery attack on a police outpost in Hpakant on March 18.¹¹⁶ In response, the military returned artillery fire and carried out airstrikes on KIA battalions 11 and 14 in Namti and Tanai Townships on March 21.¹¹⁷

Other ethnic armed groups, including Restoration Council of Shan State (“RCSS”), the Ta’ang National Liberation Army (“TNLA”), United Wa State Army and Arakan Army, have either issued statements condemning the Tatmadaw’s treatment of protestors or remained silent, but they have not made any military moves against the Tatmadaw.¹¹⁸ However, clashes between the RCSS and its rivals, such as the TNLA, have risen since the coup.¹¹⁹

B. Peace Talks

The KNU declined the Tatmadaw’s invitation to attend an event organized to mark Armed Forces Day on March 27.¹²⁰ The KNU said, “The KNU will only attend ceremonies that reflect dignity, humanity, justice and freedom for all.”¹²¹ The All Burma Students’ Democratic Front and Pa-O National Liberation Organization also said they would not attend the event.¹²² The Peace Process Steering Team of the Nationwide Ceasefire Agreement signatories announced in February that it fully supports the resistance against the military regime and has halted political dialogue with the military council.¹²³

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- 22 United Nations, March 23, 2021: <https://news.un.org/en/story/2021/03/1088012>.
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- 24 Reuters, March 23, 2021: <https://www.reuters.com/article/us-bangladesh-rohingya-fire-un-idUSKBN2BF15G>.
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