

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

APRIL 2021 REPORT

Summary. This report reviews the April 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

Myanmar's deposed politicians declared a shadow government with anti-coup activists and ethnic minorities, hoping to stamp out military rule.¹ A Myanmar council of ousted lawmakers announced they are forming a "National Unity Government," including anti-coup activists and ethnic minorities, to restore democracy.² Political leaders and deposed members of parliament have been trying to organize to regain power from the military since the February 1 coup.³ The National Unity Government is an upgrade from what had been called the Committee Representing Pyidaungsu Hluttaw ("CRPH").⁴ Elected lawmakers, who were barred by the military from taking their seats, formed the CRPH shortly after the coup.⁵ The body has since tried to gain international recognition as Myanmar's legitimate government.⁶

Protests have taken place almost daily since the military overthrew the elected government of Aung San Suu Kyi on February 1. According to the Assistance Association for Political Prisoners ("AAPP"), hundreds of civilians have been killed in a crackdown by security forces that has drawn international condemnation.⁷ On March 26, security forces opened fire at a rally near Mandalay, wounding four people, two critically, according to three domestic media organizations.⁸ In the town of Tamu on the Indian border, a policeman who supported the democracy movement killed five policemen in a grenade attack before soldiers killed him, the Myanmar Now news portal reported.⁹

The authorities, who had already shut down mobile data in a bid to stifle opposition to the ruling military junta, ordered internet providers to cut wireless broadband, depriving most customers of access.¹⁰ In response, pro-democracy groups shared radio frequencies, offline apps that work without a data connection, and tips for using SMS messages as an alternative to data services to communicate.¹¹

Troops opened fire on pro-democracy protestors on April 7, killing at least 15 people and wounding dozens.¹² In other unrest, a series of small blasts hit Yangon and a Chinese-owned factory was set on fire.¹³ On April 8, at least 11 demonstrators were killed and about 20 were wounded in clashes with security forces in northwest Myanmar after truckloads of troops arrived to quell a protest against the ruling military regime.¹⁴ There was no word of any casualties among the soldiers.¹⁵

Myanmar security forces fired rifle grenades at protesters in a town near Yangon on April 9, killing 82 people, the AAPP and a domestic news outlet said.¹⁶ Many residents of the town have fled, according to accounts on social media.¹⁷

According to the AAPP, the toll of civilians killed by security forces has reached 737 since the junta seized power from the elected government.¹⁸ The military disputes the AAPP's figure. Myanmar's state media said that 258 civilians have died in violence since February 1 and that other tolls were exaggerated.¹⁹

On April 16, opponents of military rule observed a "silent strike," with many people staying home to mourn the more than 700 people killed in protests and others wearing black held small marches in several cities and towns.²⁰ April 16 was the fourth day of the five-day traditional Buddhist New Year holiday, known as Thingyan. Most people this year shunned the

usual festivities to focus on their campaign against the generals who overthrew Aung San Suu Kyi's government.²¹

On April 19, a campaign was launched to call for the release of 3,300 detainees held by the military regime.²² In the latest campaign against the military regime, blue-shirted protesters posted photos with a raised hand displaying the name of detainees abducted since the February 1 coup.²³ The blue shirts commemorate the renowned pro-democracy activist and journalist Win Tin who spent 19 years in prison for his opposition to the former military regime.²⁴ Win Tin kept his blue prison shirt after his release and pledged to wear a blue shirt every day until all political prisoners were released.²⁵

The International Federation of Red Cross and Red Crescent Societies (“IFRC”) said that Myanmar Red Cross workers have been arrested, intimidated and injured as they try to treat civilian injuries and casualties as a result of the military regime’s suppression of protests.²⁶ The IFRC’s Asia Pacific Regional Director said, “Health workers should never be a target. They should be granted unrestricted humanitarian access to people in need.”²⁷ The IFRC did not identify any group as being responsible for the attacks, and a Red Cross spokesman declined further comment.²⁸

At least six lawmakers from Myanmar are sheltering in India after fleeing their country amid fears they could be detained by the military regime, an advisor to the body representing the ousted government said.²⁹ An Indian police official confirmed their presence and said they were among about 1,800 people who have crossed into India from Myanmar since late February, most of them taking refuge in the northeastern state of Mizoram.³⁰ The lawmakers, from Myanmar's Chin state and Sagaing region, are members of state and federal legislatures.³¹

II. Political Developments

A. Rohingya Refugee Crisis

India’s Supreme Court rejected a plea to stop the government from deporting to Myanmar some 150 Rohingya Muslims police detained in March.³² Prime Minister Narendra Modi’s government has been trying to send back Rohingya refugees.³³ Two refugees petitioned the Supreme Court for the release of Rohingya men and women detained in the northern Jammu region and to block the government from deporting them.³⁴ However, Chief Justice Sharad Arvind Bobde said the deportations could go ahead as long as officials followed due process.³⁵ “Regarding the contention raised on behalf of the petitioners about the present state of affairs in Myanmar, we have to state that we cannot comment upon something happening in another country,” he said.³⁶ The ruling has triggered panic among refugees in India, a Rohingya community leader in New Delhi said, declining to be named out of fear of reprisals.³⁷ The Modi government says the Rohingya are in the country illegally and a security threat.³⁸ At least a dozen Rohingya have been deported since 2017, according to community leaders.³⁹ Many of the Rohingya in India carry identity cards issued by the United Nations refugee agency (“UNHCR”) recognizing them as refugees, but the country is not a signatory to the UN Refugee Convention.⁴⁰ India also rejects a UN position that deporting the Rohingya violates the principle of non-refoulement – no forcible return of refugees to a country where they face danger.⁴¹

A 14-year-old Rohingya Muslim girl has been taken to a border town in northeastern India for deportation to Myanmar, according to police officials, as the UNHCR and rights groups pressed New Delhi to halt the process.⁴² She had been sheltered for more than a year in the Indian state of Assam, while her family lived as refugees in Bangladesh's Cox's Bazar.⁴³ Diba Roy, founder of non-profit Nivedita Nari Sangshta in Assam's Silchar town that had cared for the girl, said local authorities had been informed that she did not have family in Myanmar.⁴⁴ "The situation in Myanmar is not yet conducive for voluntary return in a safe, secure, and sustainable manner, and returning the child to Myanmar may place her at immediate risk of serious harm," a UNHCR spokesperson said.⁴⁵

B. Corruption

Detained leader Aung San Suu Kyi has been unable to meet with her lawyers in person.⁴⁶ In February, the military regime detained Aung San Suu Kyi based on several allegations of illegal activity, including corruption.⁴⁷

C. International Community / Sanctions

The United Nations ("UN") warned that Myanmar is on the brink of economic disaster due to the combination of the COVID-19 pandemic and the military coup.⁴⁸ According to a UN Development Program report, almost half of Myanmar's population will be forced into poverty by the end of the year.⁴⁹ The UN High Commissioner for Human Rights urged member states to take immediate measures against the military regime, warning that Myanmar could descend into a "full-blown conflict" as seen in Syria.⁵⁰

After two days of negotiations, the UN Security Council "strongly condemned" the deaths of hundreds of civilians in Myanmar in a unanimous statement.⁵¹ According to diplomats, China and Russia blocked the inclusion of stronger language that hinted at the possibility of international sanctions.⁵² The UN Country Team in Myanmar reiterated its call for an end to violence against citizens, amid reports in mid-April of dozens of deaths in a crackdown on protests.⁵³

The European Union imposed sanctions on ten additional military regime members, including its ethnic minority representatives, and two military-controlled conglomerates.⁵⁴ The sanctions include asset freezes and visa bans targeting those involved in decision-making, undermining democracy and serious human rights violations.⁵⁵ Russia reiterated its opposition to sanctions against the junta in Myanmar, warning that sanctions could spark a large-scale civil war in the country.⁵⁶

U.S. senators have urged President Biden to impose sanctions on Myanmar's state-owned oil and gas enterprise, which is the largest source of foreign revenue for the military regime, noting that the gas revenues from Total and Chevron helped the previous junta withstand international sanctions in the 1990s.⁵⁷

The UN General Assembly is debating a draft resolution on Myanmar that calls on the junta to restore democracy and free detained civilian leaders.⁵⁸ While the text of the draft

resolution does not explicitly condemn the coup, it calls on the armed forces to immediately “stop all violence against the people of Myanmar.”⁵⁹

In early April, diplomats loyal to the Tatmadaw seized control of the Myanmar embassy in the United Kingdom, leaving the Burmese ambassador to the United Kingdom locked out in the street.⁶⁰ The British foreign minister expressed his support for the ambassador, condemning the “bullying actions of the Myanmar military regime.”⁶¹

The Association of Southeast Asian Nations (“ASEAN”) held a special summit on April 24 in Jakarta, seeking to resolve the deteriorating situation in Myanmar.⁶² The Myanmar military regime’s demand to be invited to the summit was ignored, however, Min Aung Hlaing attended high level discussions.⁶³ The meeting produced a consensus that there should be “an immediate cessation of violence in Myanmar” with ASEAN providing a special envoy to Myanmar to “facilitate mediation” between all parties.⁶⁴ Although he attended high level discussions, ASEAN leaders did not recognize Min Aung Hlaing, either formally or informally.⁶⁵ Prior to the summit, China warned that the ASEAN meeting should be conducive to “fending off external interference,” claiming that “[external interference] will bring turbulence and even deteriorate the situation further affecting and disrupting regional stability.”⁶⁶

In a phone conversation with the Laotian leader, Phankham Viphavanh, Japanese Prime Minister Yoshihide Suga voiced grave concerns over the situation in Myanmar and vowed to continue pushing Myanmar’s military to immediately stop using force on civilians, release detained individuals and promptly restore the democratic political order.⁶⁷ Twelve international embassies in Myanmar, including the Australian embassy, signed a statement demanding that “violence has to stop, all political detainees must be released, and democracy should be restored.”⁶⁸

NGOs have continued calls for foreign companies to halt operations that benefit the Tatmadaw. Additionally, fashion companies Benetton and H&M have suspended all new orders from the country and French energy company EDF suspended activities, including a \$1.5 billion project to build a hydroelectric dam. Others, like French energy company Total, have continued operations and indicated no intention to scale back or halt operations.⁶⁹ Notably, ANZ, one of Australia’s largest banks that has operations in Myanmar, has refused to condemn military violence against unarmed civilians protesting the coup.⁷⁰

South Korea plans to spend billions of dollars to build a safe zone for Burmese refugees on the Thai-Myanmar border, similar to the camps South Korea built in Turkey for the Syrian war.⁷¹ The funding for the safe zone has been reallocated from the aid normally provided to Myanmar on an annual basis.⁷²

Myanmar imported \$14.7 million in radar equipment from Russia, including surface-to-air missile systems, surveillance drones and radar equipment.⁷³ It has also been reported that Chinese-made unmanned aerial vehicles are being used to monitor anti-regime protesters.⁷⁴ Photos show the low-flying drones flying over Mandalay at altitudes low enough to be seen and heard by residents of the city.⁷⁵

III. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

On April 14, the Committee Representing Pyidaungsu Hluttaw formed a National Unity Government, with President Win Myint and State Counselor Aung San Suu Kyi taking their original positions and ethnic leaders and activists appointed as ministers.⁷⁶ The junta later declared the National Unity Government to be an unlawful association.⁷⁷

B. Freedom of the Press and Censorship

Since the coup on February 1, there have been a litany of measures aimed at crippling the free press, including internet blackouts, phone and memory card confiscations, closures of independent media outlets and arrests.⁷⁸ Journalists have noted that these efforts have had a chilling effect on journalism, as sources are afraid to speak to members of the press.⁷⁹ By the end of April, the operating licenses of five privately run news outlets (Mizzima, Myanmar Now, 7Day News, the Democratic Voice of Burma, and Khit Thit Media) had been completely revoked.⁸⁰ The Committee to Protect Journalists (“CPJ”) labeled the revocations a “punitive move that clearly aims to stifle independent news reporting.”⁸¹

As a result of the persistent press crackdown, many reporters and editors are currently in hiding,⁸² despite widespread calls for the release of detained journalists.⁸³ According to a Radio Free Asia tally as of April 30, 73 journalists and media personnel have been arrested since the coup.⁸⁴ At least 40 were still imprisoned as of April 28, with more than half of the detained journalists charged under Article 505(a) of Myanmar’s Penal Code, according to the CPJ.⁸⁵ Under Article 505(a), journalists face up to three years imprisonment for disseminating misinformation or “fake news” that could agitate or cause security forces or officials to mutiny.⁸⁶ All but two of the detainees are local journalists, while the two foreign members of the press include a Japanese journalist and an American journalist.⁸⁷ As of April 19, the Japanese journalist, Yuki Kitazumi, was moved to Insein prison in Yangon, a location often used to hold political prisoners, for reasons that remain unclear.⁸⁸ As of April 30, three more journalists were detained, bringing the tally to 43 journalists currently imprisoned.⁸⁹

The current regime’s treatment of journalists in Myanmar has been met with a vast outcry.⁹⁰ On April 6, the CPJ wrote a letter to Senior General Min Aung Hlaing, urging the immediate and unconditional release of all journalists.⁹¹ According to the CPJ, the Ministry of Information did not immediately reply to a follow-up email request for comment on the number of journalists currently held in detention.⁹² Since then, more journalists have been arrested, including Tu Tu Tha, a writer and former editor for The Irrawaddy.⁹³ She, along with two of her relatives and a close family friend were detained on April 24 for reasons that remain unclear.⁹⁴

Also since the military takeover, the regime has ordered a series of national internet shutdowns after nationwide anti-coup protests gained strong support on social media. In mid-February, the junta blocked internet access from 1:00 a.m. to 9:00 am every day. However, with protesters still posting images of the brutal crackdowns on pro-democracy supporters, the junta further throttled communications by blocking mobile internet services in late March. On April 2, the regime ordered the shutdown of all wireless broadband services until further notice.⁹⁵ The

regime further banned the use of satellite dishes that enable access to anti-regime protest news from a number of local independent media outlets.⁹⁶ Despite these measures, on April 6, the military council said it has not been able to control online and foreign media.⁹⁷

IV. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

POSCO Coated & Color Steel Co Ltd (“POSCO C&C”), a South Korean company, said on April 16 it will end its joint venture with Myanmar Economic Holdings Public Co Ltd (“MEHL”), a firm controlled by the military in Myanmar.⁹⁸ POSCO C&C said it is in talks to buy MEHL’s 30% stake to continue operations with full ownership. The decision to terminate the partnership followed pressure from activist groups to end ties with entities in Myanmar linked to the military, the spokesman said.

Multiple international oil companies decided to suspend natural gas development projects in Myanmar amid concerns that the junta is deriving foreign currency from the ventures.⁹⁹ However, Total, a French multinational integrated oil and gas company, which runs Myanmar’s largest undersea gas field in terms of output in volume, plans to continue production. The undersea gas field supplies about half of Myanmar’s natural gas used for power generation.

Access Asia Mining, an Australian-backed company, has continued to explore for gold in Myanmar since the coup in February, human rights activists say.¹⁰⁰ The company holds the right to explore for gold across 1,800 sq km of land in Shan State.

Chevron, the second-largest oil and gas producer in the United States, has sent lobbyists to the State Department, other agencies and congressional offices to warn against any sanctions that might disrupt its operations in Myanmar.¹⁰¹ Chevron has a longstanding relationship with Myanmar Oil and Gas Enterprise, which is closely connected to the military generals who seized power on February 1.

Guangzhou Automobile Group, a Chinese state-owned group, is pressing ahead with plans to start manufacturing vehicles in Myanmar this year as part of the group’s internationalization plan.¹⁰² Many investors from Japan and elsewhere, by contrast, have put investment plans in Myanmar on hold or retreated from ventures in the nation, including the launch of Toyota Motor’s new \$52 million factory, amid continuing violence between protesters and military forces.

B. Economic Development—Infrastructure, Major Projects

Malaysia’s national oil company, Petronas, has suspended production and declared force majeure at its Yetagun gas field offshore to Myanmar after output declined significantly.¹⁰³ The giant Yetagun field had estimated reserves of 3.2 trillion cubic feet of gas.¹⁰⁴ It had been expected to produce gas until the end of this decade but it is now shut down, at least temporarily.¹⁰⁵

C. Land Seizure

There have been no material updates since last month.

V. Peace Talks and Ethnic Violence

A. Ethnic Violence

Fighting broke out between various ethnic armed groups and the Myanmar military in several locations in the country's north and northeast on April 12, resulting in heavy casualties to the military, including the death of a battalion commander as well as the reported capture of soldiers.¹⁰⁶ Fierce clashes between the Kachin Independence Army ("KIA") and the Tatmadaw took place in Kachin State's Momauk Township.¹⁰⁷ Tensions have been rising since the KIA seized the Alaw Bum base on March 25 near the Chinese border.¹⁰⁸ A KIA information officer said that the Tatmadaw launched several airstrikes over four days in their efforts to recapture the base from the KIA.¹⁰⁹ A KIA official said many soldiers, including the battalion commander of the Tatmadaw's light infantry Battalion No. 387, were reportedly killed by the KIA during the fighting.¹¹⁰ He also said that the KIA captured eight Myanmar military soldiers.¹¹¹ Clashes were also reported elsewhere in Momauk Township after the KIA occupied two police outposts and a military base at Tarpein Bridge.¹¹² Three civilians died in the fighting after artillery shells landed in villages.¹¹³

On April 12, there were also reports of fighting between the Tatmadaw and the Ta'ang National Liberation Army ("TNLA") around Mogoke in the Mandalay region.¹¹⁴ The TNLA is a member of the Brotherhood Alliance, which also includes the Myanmar National Democratic Alliance Army and the Arakan Army.¹¹⁵ The Brotherhood Alliance attacked a police outpost in northern Shan State's Lashio Township on April 10.¹¹⁶ At least 14 policemen were killed and at least five family members of police officers were wounded in the attack.¹¹⁷

Later in April, fighting broke out in multiple locations between the KIA and the Myanmar military in Kachin State amid the regime's moves to reinforce its troop presence in ethnic areas.¹¹⁸ On April 16, the KIA attacked Tatmadaw troops near the Hpung Ing-Woi Shi area in Kachin's Sumprabum Township.¹¹⁹ A KIA officer said five soldiers from the military were killed and some were injured in the attack.¹²⁰ The KIA also attacked a Tatmadaw convoy in Hpakant Township on April 16.¹²¹ The KIA said that it used mines against the convoy and one truck went up in flames, resulting in three regime soldiers being killed.¹²² On April 17, a clash broke out between the KIA and Tatmadaw at a security checkpoint jointly guarded by the military, police and immigration officers in Waingmaw Township in the southeast of the Kachin capital.¹²³ The KIA said it arrested three soldiers during the clash and that all the security guards ran away from the security outpost.¹²⁴ According to a local resident, the KIA instructed villagers around the area to stay at home until April 20 and not to go outside even to tend their farms and fields.¹²⁵ He also said that after the KIA retreated from the checkpoint, Myanmar soldiers returned and had been conducting intensive security checks on all civilians.¹²⁶

Clashes were also reported in Manton Township, northern Shan State on April 15.¹²⁷ Fighting has intensified across Kachin State and northern Shan State since March 11, following the KIA's refusal to recognize the military regime.¹²⁸

In mid-April, the Myanmar military fired long-range artillery at three locations along Shan State's border with Thailand, with shells exploding near two camps for internally displaced people ("IDPs"), a committee representing people in the camps said.¹²⁹ No one was reported injured, but the IDPs were "on high alert" and fearful of more attacks, according to the Shan State Refugee Committee ("SSRC"), which works in six camps in the area.¹³⁰ Roughly 6,000 people live across the six camps.¹³¹

In late April, the Karen National Union said its forces had captured an outpost of the Myanmar army close to the border with Thailand, after launching an attack just before dawn on April 27.¹³² People across the Salween River, which follows the border between the two countries, earlier reported hearing gunfire, while video posted on social media showed fires and smoke rising from the forested hills.¹³³

According to the UN Office for Coordination of Humanitarian Affairs ("OCHA"), almost 50 clashes between the military and the KIA were reported in several places in Kachin State, including use of airstrikes by security forces as well as mortar shelling by both sides, displacing nearly 5,000 people and damaging several homes.¹³⁴ OCHA said around 800 people returned to their villages of origin within a few days and an estimated 4,000 people remain displaced in various sites, including in churches and monasteries.¹³⁵ This was the first reported displacement in the country's northernmost state since September 2018.¹³⁶ In neighboring northern Shan State, escalating clashes since January forced about 10,900 people to flee their homes, of whom nearly 4,000 remain displaced, OCHA added, noting that hostilities had also increased since February in Kayin State and Bago region, displacing almost 40,000 people.¹³⁷ About 3,000 people, mostly from Kayin, reportedly crossed the border into Thailand, although the majority are said to have since returned.¹³⁸

B. Peace Talks

Ten ethnic armed organizations signatory to the Nationwide Ceasefire Agreement ("NCA") prior to the coup will reach out to non-signatory groups for talks aimed at forming a coalition, Myanmar Now reported.¹³⁹ A seven-person committee was formed to orchestrate the discussions.¹⁴⁰ Col. Sai Nguen, who is also an officer within the Restoration Council of Shan State, said that the negotiations committee would approach groups such as the Kachin Independence Army, United Wa State Army, Shan State Progress Party, Ta'ang National Liberation Army, Myanmar National Democratic Alliance Army, Arakan Army and the Karenni National Progressive Party about working together against the junta.¹⁴¹

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4 *Id.*

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7 Reuters, April 1, 2021: <https://www.reuters.com/article/us-myanmar-politics/myanmar-junta-cuts-internet-protesters-say-they-will-not-surrender-idUSKBN2BP06T>.

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24 *Id.*

25 *Id.*

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27 *Id.*

28 *Id.*

29 Reuters, April 8, 2021: <https://www.reuters.com/world/india/six-lawmakers-among-1800-people-myanmar-sheltering-india-2021-04-09/>.

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31 *Id.*

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33 *Id.*

34 *Id.*

35 *Id.*

36 *Id.*

37 *Id.*

38 *Id.*

39 *Id.*

40 *Id.*

41 *Id.*

42 Reuters, April 1, 2021: <https://www.reuters.com/article/bangladesh-rohingya-india-myanmar/india-moves-to-deport-rohingya-girl-to-myanmar-draws-criticism-idUSKBN2BO5Q2>.

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44 *Id.*

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47 The Irrawaddy, March 18, 2021: <https://www.irrawaddy.com/news/burma/myanmar-regime-announces-fresh-corruption-case-daw-aung-san-su-kyi.html>; see also Frontier Myanmar, March 18, 2021: <https://www.frontiermyanmar.net/en/aung-san-su-kyi-to-face-new-corruption-charges-regime-says-on-state-tv/>.

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