

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

MAY 2021 REPORT

Summary. This report reviews the May 2021 developments relating to human rights in Myanmar.

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I. Coup and Crackdown on Protests

May 11 marked 100 days of the Myanmar military’s rule following the February 1 coup.¹ On the hundred-day benchmark, demonstrators took part in marches, motorcycle convoys and flash protests to evade security forces.² As of May 11, more than 750 protesters and bystanders have been killed by security forces, in addition to numerous arrests and human rights violations.³

On May 12, around 35 villagers, including women, children and three civilian resistance fighters, were detained in a raid by approximately 500 regime troops in Myingyan Township after a prolonged shootout.⁴ In addition, around 5,000 villagers have fled their homes due to the

fighting between troops and the civilian resistance.⁵ Recent shootouts have forced around 13,000 civilians from around 25 villages in Kani Township, Sagaing Region, into hiding in forests.⁶

Khet Thi, a Myanmar poet known for writing verse supporting the resistance movement against the ruling military regime, died less than 24 hours after his arrest. His body was returned to his family with organs including his heart removed.⁷ The military has imprisoned at least 32 writers and poets, according to PEN International, a global association of writers that tracks arrests and deaths.⁸

As of May 16, more than 3,900 people have been detained in response to anti-coup protests.⁹ The families of those taken have no information regarding their location, according to the Assistance Association for Political Prisoners, a nonprofit that monitors fatalities and arrests.¹⁰ Among them are politicians, activists, artists, medics and civil servants.¹¹

As of May 22, Myanmar's military has suspended more than 125,900 teachers for joining a civil disobedience movement to oppose the military coup.¹² Around 19,500 university staff have also been suspended.¹³ The disruption at schools echoes that in the health sector and across public services and private business since the coup.¹⁴

On May 29, the National Unity Government ("NUG"), a shadow government seeking to reverse the military coup has joined forces with the Chin National Front, a rebel group, to "demolish" military rule.¹⁵ The two sides agreed to cooperate based on equality, mutual respect and mutual recognition to resist the dictatorship and establish a federal democracy.¹⁶ The two sides also agreed to cooperate in areas such as the protection of civilians and implementing a federal union.¹⁷

II. Political Developments

A. Rohingya Refugee Crisis

Officials from the United Nations High Commissioner for Refugees ("UNHCR") visited a Rohingya refugee settlement built on a cyclone-prone island off the coast of Bangladesh, sparking a protest related to living conditions among the Rohingya living there.¹⁸ Bangladesh has transitioned approximately 18,000 Rohingya refugees from the Cox's Bazar region to Bhashan Char since December, and has plans to move around 82,000 more. The Cox's Bazar region is currently the home to more than 850,000 Rohingya refugees.

The protests, which consisted of throwing rocks at warehouse windows and attempting to gain entrance to buildings that the UNHCR officials were visiting, included large numbers of people, with estimates ranging from 500 to 4,000 people.¹⁹ The clash between Rohingya and police officers left some injured. Despite the unrest, UNHCR officials were able to meet with groups of refugees. The Rohingya representatives who spoke with UNHCR officials said that they did not want to continue living on the island, even if the UN took over operations.²⁰ The UNHCR has recognized that "measures to protect residents from storms and flooding [are] not fully in place on the island."²¹

Myanmar military chief Min Aung Hlaing restated the country's refusal to repatriate the Rohingya refugees, as they are not considered citizens under Myanmar law.²² The military chief pointed to legal definitions of the Muslim population when Myanmar gained its independence in 1948 from Britain, which did not include the term "Rohingya."²³ Bangladesh Prime Minister Sheikh Hasina spoke with UN General Assembly President Volkan Bozkir about the situation, and expressed concerns over the future of the Rohingya refugees in Bangladesh given the recent military coup across the border.²⁴ However, Rohingya camp leaders have noted their hesitation to return to Myanmar before their "nationality is returned and safety and security are guaranteed."²⁵

B. Corruption

Reports have surfaced alleging that the junta is soliciting bribes from wealthy parents whose children have been detained following anti-coup protests.²⁶ According to The Irrawaddy, the junta has asked families for 5,000,000 kyats (USD \$3,200) and falsely promised their children's release in exchange.²⁷

Other reports indicate that bribery has become rampant in the transportation sector as police search passengers and their belongings at checkpoints, threatening to detain passengers upon uncovering anything supporting the protest movement.²⁸ The police then demand that the passenger pay a bribe to avoid detention.²⁹

C. International Community / Sanctions

Myanmar's National Unity Government, the government ousted in the military coup on February 1, said that it is taking all necessary steps to cooperate with the International Court of Justice with respect to accusations against Myanmar for the commission of genocide against the Rohingya.³⁰ The NUG is also considering accepting jurisdiction by the International Criminal Court over the killings, torture and other crimes against civilians committed by the Myanmar junta since the coup.³¹

The United Nations warned that Myanmar is on the brink of economic disaster due to the combination of the COVID-19 pandemic and the military coup.³² According to a UN Development Program report, almost half of Myanmar's population will be forced into poverty by the end of the year.³³

Local and foreign experts have stressed that tougher action is needed to cut off foreign currency flows to the Myanmar military regime, arguing that severing financial support would hasten the collapse of the current military rule.³⁴ Independent Economists for Myanmar, an anonymous group, suggested that stricter sanctions limiting the regime's ability to collect revenue from natural gas, mining, forestry, shipping and airlines could cut off roughly \$2 billion per year in financing.³⁵ United Nations experts urged international businesses to put pressure on the military regime's leaders because "the revenues that the military earns from domestic and foreign businesses substantially enhance its ability and capacity to carry out these grave [human rights] violations."³⁶ In mid-May, the United States imposed sanctions on additional entities and individuals associated with the military regime, including the Myanmar State Administrative Council.³⁷

The US-ASEAN Business Council called for the United States to appoint a special envoy for Myanmar to help resolve the crisis.³⁸ Noting that “the unfolding situation in Myanmar threatens economic collapse and imperils the lives of the people of Myanmar,” the business council chairman stressed that “American leadership is necessary in this critical moment to realize a viable path forward for Myanmar and ensure stability in the region.”³⁹

Myanmar Accountability Project, a British non-governmental organization, has launched a legal case against Myanmar’s coup leaders over their claim to the Burmese ambassadorial residence in the UK and their attempts to evict Myanmar’s former ambassador who opposes the military regime and views it as an illegitimate government.⁴⁰

III. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

Following the Home Affairs Ministry’s declaration in April that the NUG is an unlawful association, on May 8, the military regime branded the NUG, the People’s Defense Forces and the Committee Representing Pyidaungsu Hluttaw (“CRPH”), as terrorist groups for alleged acts of incitement against the junta.⁴¹ On May 15, military general Zaw Min Tun said that action must be taken against the National League for Democracy (“NLD”) as a party that supports the NUG and the CRPH.⁴² The Union Election Commission chairman Thein Soe called for the NLD to be abolished, stating it had “plotted illegally” to win the election. The UEC also asked the Ministry of Home Affairs to investigate if any political parties, including the NLD, had committed voter fraud or violated any provisions of the Political Parties Registration Law, which prohibits supporting or having links to terrorists or unlawful associations.⁴³

Prominent democracy activist Ko Mya Aye faces hate speech charges under Article 505(c) of the Penal Code, which prohibits statements that could incite the commission any offense against any person or community.⁴⁴ The case centers around a 2014 email about Ko Mya Aye’s work with ethnic armed organizations, Burman ethno-nationalism, and the importance of working together for federal democracy.⁴⁵

The civil disobedience movement continues in full force, with workers across various industries refusing to show up for work and instead joining anti-junta protests.⁴⁶ The Teachers’ Federation reported that more than 125,000 out of 430,000 teachers had joined the movement while 11,100 out of 24,000 university teachers had been suspended from their positions for taking part in the movement, with more than 5,000 professors having their qualifications revoked between May 5 and May 8 for participating.⁴⁷

B. Freedom of the Press and Censorship

Myanmar’s media has been under persistent attack since the coup began in February.⁴⁸ Approximately 85 journalists have been detained, and the publication licenses for 8 media outlets have been revoked.⁴⁹ The Irrawaddy is one of many outlets that have been targeted and has been sued under Article 505(a) of the Penal Code, which criminalizes spreading “false” news.⁵⁰ In addition to government-mandated shutdowns, some media outlets have also halted publishing in reaction to the ongoing persecution.⁵¹ For example, the Standard Time Daily, Myanmar’s last

independent daily newspaper, decided to stop publishing in mid-March due to safety concerns and difficulty in obtaining stories.⁵²

On May 24, Danny Fenster, an American journalist working for Frontier Myanmar, was detained by the current regime and is being held in Insein Prison.⁵³ Fenster was detained just before boarding a flight to Kuala Lumpur in Malaysia. The reason for his detention is currently unknown.⁵⁴ According to Sonny Swe, founder of Frontier Myanmar, the U.S. Embassy in Yangon is trying to secure Fenster's release.⁵⁵

Since the coup in February, three foreign journalists in total have been detained, including Fenster; however, the other two journalists, Robert Bosiaga and Yuki Kitazumi, have since been freed and deported.⁵⁶ Yuki Kitazumi, who had been detained since mid-April, was indicted in early May.⁵⁷ He had been covering anti-government protests and posted online social media posts that were viewed as "critical of the military."⁵⁸ Kitazumi was released on May 14.⁵⁹

The treatment of journalists in Myanmar has been met with widespread outcry. Barbara Trionfi, executive director of the International Press Institute, stated that the "international community must respond forcefully to the increase in detentions, violence and intimidation of journalists in Myanmar in recent weeks, which represents an unacceptable attack on press freedom."⁶⁰ Amnesty International has also demanded that the military drop charges against all journalists who have been detained, including those in pre-trial detention, released on bail, or those with outstanding warrants "solely for carrying out their work and the peaceful exercise of their human rights."⁶¹ The organization stated that the ongoing attack on journalists in Myanmar constitutes an attempt by the military "to suppress peaceful dissent and obscure violations committed by security forces."⁶²

IV. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

Norway's Telenor, which operates one of Myanmar's four telecom companies, has written off its entire \$782 million investment in Myanmar, where it is seen as a cornerstone foreign investor.⁶³ Telenor has suffered from the military regime's crackdown on communications and dissent since the coup on February 1. The junta first ordered Telenor and other telecoms companies to block popular social media sites such as Facebook, before shutting off internet services every night and finally cutting off most remaining mobile and wireless internet communications.

Myanmar's military rulers have approved new investment in projects worth nearly \$2.8 billion, including a liquefied natural gas (LNG) power plant that will cost \$2.5 billion.⁶⁴ Approvals for 15 projects were given on May 7 by the Myanmar Investment Commission, according to a statement on the website of the Directorate of Investment and Company Administration. In addition to the LNG plant, other approved projects include livestock, manufacturing and services projects. The statement did not give details of the companies behind the projects.

In response to repeated calls to cut ties with the military regime in Myanmar, energy giants Total and Chevron on May 26 announced they have suspended some payments to their joint venture with a state-owned company controlled by the coup leaders.⁶⁵ The decision is retroactive and effective as of April 1.⁶⁶ All cash distributions by Moattama Gas Transportation Company Limited (“MGTC”) to its shareholders—Total (31.24%), Chevron (28.26%), PTTEP (25.5%) and Myanmar Oil and Gas Enterprise (“MOGE”) (15%)—are suspended, according to Total.⁶⁷ While cautiously welcoming Total and Chevron’s decision to suspend dividend payments, rights group Justice for Myanmar pointed out that income from MGTC accounts for only a small fraction of total payments from the Yadana project to the Myanmar military.⁶⁸ MOGE owns just 15% of the pipeline company.⁶⁹

B. Economic Development—Infrastructure, Major Projects

Hongkong and Shanghai Hotels, operator of luxury hotels, said on May 21 that it will suspend construction on its planned \$130 million Yangon property for a year.⁷⁰ The hotel company’s Yangon project involves the redevelopment of the former colonial-style downtown headquarters of Myanmar Railway Co. into an 88-room luxury hotel.⁷¹ Hongkong and Shanghai Hotels owns 70% of the project with the rest held indirectly by Serge Pun & Associates, a leading private conglomerate in Myanmar.⁷² The hotel is one part of a landmark commercial development called Yoma Central.⁷³

Japanese retailer AEON has postponed the construction of what would have been the largest shopping mall in Myanmar due to the military takeover.⁷⁴ The US\$180 million (296 billion kyats) project was approved under the National League for Democracy government in August last year as a joint venture between Japan’s AEON Mall Co. with a 70% stake and Myanmar’s Shwe Taung Co. with 30%.⁷⁵ The AEON mall, which was due to become the largest mall in the country, was planned for a 7-hectare plot in Yangon’s Dagon Seikkan Township.⁷⁶

C. Land Seizure

Staff members at a company accused of unlawfully seizing land in Kachin State were displaced by a Kachin Independence Army attack. Following the attack, farmers have retaken their land.⁷⁷ All of the land that was originally taken in 2006 has reportedly been returned, and plans are underway to divide the land between the farmers.⁷⁸ Prior attempts to retake the land were unsuccessful and were “met with threats and beatings.”⁷⁹ Farmers expressed joy at having displaced the company, which they had described as “bull[ying] them.”⁸⁰

V. Peace Talks and Ethnic Violence

A. Ethnic Violence

In early May, the Kachin Independence Army (“KIA”) shot down a Myanmar military helicopter during an attack on their base.⁸¹ The KIA said the helicopter crashed near Konglaw village of Momauk Township in Kachin State after being hit by anti-aircraft fire.⁸² The Tatmadaw and KIA rebel fighters have twice clashed near Momauk since April 11.⁸³ A total of 7,000 ethnic Kachin have been displaced due to the ongoing fighting in the Momauk area.⁸⁴

The KIA and the military continued to clash in northern Shan State's Kutkai Township in mid-May, with KIA conducting ambushes on the regime's supply line.⁸⁵ The military subsequently set landmines around Namparchi, according to the residents.⁸⁶ The junta-run Myawaddy news agency reported that two locals from Wa Wan village in Kachin State's Momauk Township were injured by a landmine on the evening of May 15. The military alleged that the mine was planted by the KIA.⁸⁷ Hundreds of villagers in the township have fled their homes.⁸⁸

The violence following the coup in February has pushed some in the anti-junta movement to form a so-called "People's Defence Force" ("PDF") consisting of civilians fighting back against security forces with homemade weapons.⁸⁹ According to one PDF member, at least 20 police officers died on May 23 as the PDF seized a police station in Moebysel, Shan State.⁹⁰ The police station was burnt down and rebel fighters also took four security force members into custody, local media reported.⁹¹

According to the UN, in the first half of May, heavy fighting between the Myanmar Armed Forces and ethnic armed organizations ("EAOs"), particularly in Kayin, Kachin and Chin States, killed dozens of combatants and internally displaced thousands of civilians.⁹² Approximately 61,000 people have been internally displaced in Myanmar since the military takeover, of whom some 56,000 remain displaced, representing a 10% increase since the beginning of May.⁹³ This number includes an estimated 42,000 in south-eastern Myanmar and 14,000 in Kachin and northern Shan States.⁹⁴ Thousands of people are also believed to be internally displaced in Chin State and the Sagaing Region.⁹⁵

Since late March, some 6,900 Myanmar nationals have also sought safety from armed clashes in Thailand's Mae Hong Son province, with 1,800 refugees currently accommodated in temporary safety areas along the Thai-Myanmar border.⁹⁶ In India, refugees from Myanmar continue crossing into Mizoram and Manipur to seek refuge.⁹⁷

B. Peace Talks

In a public statement, General Saw Mutu Sae Poe, chairman of the Karen National Union ("KNU"), urged stakeholders to use negotiation to solve Myanmar's political problems.⁹⁸ The statement, which was issued after the military launched air strikes on civilians in retaliation for attacks on military outposts by the Karen National Liberation Army, prompted significant criticism, including from the Kayin community.⁹⁹ General Saw Mutu Sae Poe said the KNU would continue political negotiations and uphold the principles of the Nationwide Ceasefire Agreement.¹⁰⁰ A political and ethnic affairs observer, who spoke on condition of anonymity, said the chairman's position reflects the KNU's attitude as a whole as only half of the KNU's seven brigades are actually taking part in the fighting against the military regime.¹⁰¹ However, a KNU leader in their central committee said the statement is the KNU chairman's personal view and does not represent the whole organization.¹⁰²

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