

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

JUNE 2021 REPORT

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

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I. Coup and Crackdown on Protests

Since the coup on February 1, the military regime's forces have killed at least 870 people.¹ As of June 29, the military government has detained 6,421 people, according to the Assistance Association for Political Prisoners human rights group.² On June 30, Myanmar's military government released more than 2,200 detainees, including journalists and protesters.³ The majority of those released were charged with incitement for joining anti-regime protests.⁴ Despite the latest release, more than 4,000 political prisoners remain in detention.⁵ A number of democratically-elected leaders, including Aung San Suu Kyi, have been held in detention and charged with a litany of offenses.⁶ Myanmar's military is also currently detaining approximately 50 journalists, two of whom are citizens of the United States.⁷

In June, the military government has increasingly targeted lawyers defending political prisoners.⁸ At least five lawyers have been arrested across the country for defending politicians and activists.⁹ On June 12, two lawyers were arrested in Kayin State while attempting to cross the border into Thailand after finding out they were wanted by the military.¹⁰

On June 14, Myanmar's ousted civilian leader Aung San Suu Kyi went on trial.¹¹ More than four months after the country's military seized power in a coup, the specially built court in the capital Naypyidaw heard the first criminal case against the deposed leader.¹² The preliminary hearings addressed three charges, including Aung San Suu Kyi's alleged violation of a communications law by allegedly importing and using a number of walkie-talkie radios, violation of coronavirus restrictions during the election campaign in 2020, along with allegations against deposed President Win Myint over the violation of Myanmar's disaster management laws.¹³

On June 22, the Myanmar army clashed with a newly formed local militia group in Mandalay.¹⁴ Prior to this clash, fighting involving lightly armed militias had been primarily confined to small towns and rural areas.¹⁵ According to the New York Times, "[t]he volleys of gunfire marked the first time that clashes erupted in a big city between the military and a newly formed militia, the People's Defense Force, affiliated with Myanmar's ousted elected leadership."¹⁶

II. Political Developments

A. Rohingya Refugee Crisis

The National Unity Government ("NUG"), Myanmar's shadow government, is preparing to present evidence in an International Criminal Court ("ICC") trial of the military regime in connection with alleged crimes against humanity in June 2017.¹⁷ Referring to thousands of Rohingya killed in 2017, NUG spokesperson Dr. Sasa said in a news conference that "It is important to bring these generals to the court. Justice must be served."¹⁸ Myanmar is not a party to the Rome Statute, the treaty that established the ICC. In order to try the case, the NUG would first need to be recognized as the government of Myanmar and become party to the Rome

Statute.¹⁹ The NUG has announced in a press conference that it would grant the Rohingya citizenship if it were to regain power from the military regime.²⁰

The Bangladesh refugee camp on Bhashan Char Island, which houses approximately 19,000 Rohingya refugees, has been afflicted with an outbreak of diarrhea. Four Rohingya children and one adult are confirmed to have died and thousands more are suffering as the sickness has spread over the last two weeks.²¹ The Chief Health Office in Noakhali, the district that includes the Bhashan Char Island, told the media that the outbreak on the island is under control.²² The cause of the outbreak has not been confirmed.

B. Corruption

The military-controlled Anti-Corruption Commission (“ACC”) filed corruption charges against Dr. Aung Moe Nyo, who formerly served as Magwe Region chief minister before the military coup.²³ The ACC alleges that Aung Moe Nyo granted a permit in exchange for a 50 million kyats (\$30,350) bribe.²⁴ Earlier in June, the military regime sentenced Aung Moe Nyo to two years in prison for incitement after he opposed the military coup in a video posted to social media.²⁵

In June, the prosecution began presenting evidence against detained former leader Aung San Suu Kyi on charges of illegally importing walkie-talkies, as well as charges for violations of the Telecommunications Law and Natural Disaster Management Law.²⁶ Charges against her have also been brought under the Official Secrets Act and Anti-Corruption Law.²⁷ The corruption charges allege that Aung San Suu Kyi accepted \$600,000 and 25 pounds of gold from a detained Yangon chief minister.²⁸ The charges also allege that Aung San Suu Kyi illegally used her authority to rent, under market value, land for her charity.²⁹ Several other former officials have been charged by the military regime for violations of the anti-corruption laws, including Dr. Myo Aung, Ye Min Oo, and Min Thu.³⁰

Global Witness published a report detailing the military regime’s connection to corruption in the jade mining industry.³¹ The report found that the military tightened its control over the industry in the years leading up to the coup, and found that “the jade sector has become more corrupt than ever.”³² The report also found that the military regime’s de facto leader, Min Aung Hlaing, is profiting from corruption in the industry and that the industry has helped to fund the military regime.³³

C. International Community / Sanctions

On June 18, the United Nations (“UN”) General Assembly passed a non-binding resolution approved by 119 countries that condemns the military coup and calls for member states to “prevent the flow of arms” into Myanmar.³⁴ The resolution also demands that the military “immediately stop all violence against peaceful demonstrators.”³⁵ The UN envoy to Myanmar also briefed the UN Security Council in a closed door meeting on June 18; however, no joint statement was adopted at that meeting.³⁶ Myanmar’s ambassador to the UN, who has refused to leave his post despite being fired by the military regime, supported the resolution,

implored UN members that “strong, decisive and unified measures are imperative and needed immediately.”³⁷ The junta rejected the resolution, saying it was based on “one-sided sweeping allegations and false assumptions” and that “interference in internal affairs shall not be accepted.”³⁸ The junta government also denounced the Myanmar ambassador’s vote, saying that it does not represent Myanmar and was illegal.³⁹

On June 19, the International Labour Organization (“ILO”) adopted an emergency resolution on Myanmar that calls for “the restoration of democracy, the reestablishment of civilian rule, the end to arbitrary detentions and violations of human rights and the restoration of fundamental principles and rights at work,” among other things.⁴⁰ The resolution also calls upon the ILO Governing Body to monitor the situation in Myanmar and recommends that ILO members support the restoration of democracy.⁴¹

The European Union imposed sanctions on eight individuals, three economic entities and the War Veterans Organisation in Myanmar in response to the military coup.⁴² These sanctions largely align with those of other major international entities.⁴³ With these additional sanctions, the EU’s restrictive measures now apply to 43 individuals and six entities.⁴⁴ Following a wave of attacks on schools and education staff in Myanmar, UNICEF condemned the violence, saying, “Violence in or around schools is never acceptable. Schools and other education facilities must be protected from conflict and unrest.”⁴⁵

During a trip to Russia, Myanmar’s junta chief thanked Russia for strengthening the Myanmar army, noting that the friendship between Russia and Myanmar is becoming “stronger and stronger.”⁴⁶ The Russian defense minister echoed those sentiments, noting that Russia is “committed to continue making efforts to strengthen bilateral ties.”⁴⁷ In an interview with a Russian news agency, Senior General Min Aung Hlaing noted that the United States and Myanmar are “not very close politically like before. Not very intimate in comparison with our neighboring countries.”⁴⁸

Myanmar’s ousted National Unity Government called on China to engage with them to find a solution to the country’s political crisis, noting that they are “deeply concerned” that China and the Association of Southeast Asian Nations have failed to adequately engage in efforts to find solutions to the coup.⁴⁹ Days later, the Chinese Foreign Minister assured the Myanmar junta that China will continue to support Myanmar and that China’s policy is “not affected by changes to Myanmar’s domestic and external situation.”⁵⁰

III. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

In July, 32 protestors were sentenced to prison terms of at least two years on charges of incitement and unlawful assembly after being arrested in March for opposing the military coup.⁵¹

Despite the junta’s efforts to force striking teachers and education staff to return to work through threats of dismissals and arrests, the civil disobedience movement (“CDM”) continues in

full force.⁵² Hundreds of teachers who have joined the CDM are now in hiding to avoid arrest, and the regime has threatened to arrest family members and seize their possessions if striking teachers and education staff do not return to work.⁵³ On June 14, the junta sentenced three detained teachers to three years in prison each for incitement.⁵⁴ The junta also threatened parents that it would seize children if parents and students boycott school enrollment.⁵⁵

Myanmar students on scholarship in New Zealand received letters from the Myanmar Embassy demanding that they confirm that they have not participated in the CDM against the military junta or had contact with anyone who was involved in the movement.⁵⁶ Amid concerns about the students' safety, a spokeswoman for New Zealand's Ministry of Foreign Affairs and Trade stated that "Freedom of expression, as well as the right to participate in democratic processes is a fundamental right. New Zealand is committed to supporting the people of Myanmar."⁵⁷

The regime also continues to target and harass lawyers representing political prisoners.⁵⁸ On June 12, two lawyers who were part of the legal team for the Kayin state chief minister were arrested and charged under section 505A of the Penal Code, which criminalizes causing fear, spreading false news and agitating for criminal offenses against government employees. The charge carries a three-year prison sentence.⁵⁹

On June 17, the military regime freed Zaw Htay, a spokesman for the ousted National League for Democracy government, who had been detained since February 1.⁶⁰ According to a military source, Zaw Htay was told to "stay out of view and keep quiet" upon being released from military custody.⁶¹

On June 30, the regime released more than 2,200 detainees, including journalists and protestors, the majority of whom had been charged with incitement for joining anti-regime protests.⁶² Those released had not played a leading role in the protests or participated in violent acts.⁶³ The same day, the regime detained and charged three Christian pastors for incitement after they organized a prayer for peace in Myanmar.⁶⁴

B. Freedom of the Press and Censorship

Myanmar's media has been under persistent attack since the coup began in February, however, some detained journalists have been recently released. On June 14, Ko Nathan Maung, a U.S. citizen and co-founder of Kamayut Media, was released after having been detained since March 9, when his firm's office was raided by security forces.⁶⁵ He was released after the police officer who filed the charges withdrew the case during a court hearing inside Insein Prison. Ko Nathan Maung was deported to the United States the next day.⁶⁶ Ko Nathan Maung described his detention as weeks of "hell," noting that during his time at the interrogation center in Mingaladon he and other prisoners were beaten, handcuffed and denied food and water for days at a time.⁶⁷ Subjects of his interrogation included whether he was working for the CIA and who was responsible for the funding behind his media company.⁶⁸

On June 30, more than 2,200 detainees were released from Insein Prison, including journalists and protesters.⁶⁹ Despite the recent mass release, over 4,000 political prisoners remain in custody, including several journalists.⁷⁰ As of June 14, it was estimated that 90 journalists had been arrested since the military takeover and over 33 journalists were still in hiding.⁷¹ Journalists that remain in custody include Frontier Myanmar’s managing editor Danny Fenster, editor-in-chief of the Thanlyin Post Tu Tu Tha, Mizzima News Agency co-founder Thin Thin Aung and reporters from Myitkyina Journal.⁷² Journalists who were released on June 30 include Ko Aung Ye Ko from 7 Day News, Kay Zon Nway of Myanmar Now, freelance editor Ko Banyar Oo, freelance reporter Soe Yarzar Tun, Ye Myo Khant of the Myanmar Pressphoto Agency and Hein Pyae Zaw from Zeekwat Media.⁷³

On June 20, the Committee to Protect Journalists (“CPJ”) awarded its 2021 International Press Freedom award to Aye Chan Naing, the chief editor of the Democratic Voice of Burma (“DVB”), an independent media group, which was banned from broadcasting by the military regime and had its license revoked on March 8.⁷⁴ DVB continues to broadcast online and on other platforms to provide daily accounts of the regime’s crackdowns on protesters.⁷⁵ To date, three journalists from DVB have been arrested and DVB has been charged with incitement under Article 505(a) of the Penal Code.⁷⁶

IV. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

The Beijing-based Asian Infrastructure Investment Bank (“AIIB”) has left open the door to funding projects in Myanmar even if it does not return to democracy.⁷⁷ Joachim von Amsberg, AIIB vice-president, told the Financial Times that while the bank did not have any new projects under consideration for Myanmar, it did have a framework for dealing with “de facto governments.”

Nearly 30 out of the 122 factories in the Japan-backed Thilawa Special Economic Zone (“SEZ”) in Yangon have suspended operations amid post-coup turmoil.⁷⁸ Most of the firms in the SEZ are from Japan and the total investment is around US\$2 billion. While some companies have suspended operations due to the domestic crisis, others have done so due to a change of policy at their headquarters. However, none of the companies are planning a permanent shutdown or to withdraw investment from Myanmar, according to a source from the Thilawa SEZ management committee.

Norwegian pension fund KLP is divesting from Adani Ports and Special Economic Zone Limited on the grounds the company’s links with the Myanmar military breach the fund’s responsible investment policy.⁷⁹ KLP, Norway’s largest pension fund, had an investment worth nine million crowns (\$1.05 million) in Adani Ports at the time of its decision. It is divesting because the container terminal is being built on land owned by the Myanmar military and there is an “imminent danger” the armed forces could use the port to import weapons and equipment or as a naval base.

B. Economic Development—Infrastructure, Major Projects

Myanmar's military regime has launched a plan to build solar farms that can generate up to 320 megawatts across the heartland regions, which are areas dominated by the predominantly Buddhist Bamar population.⁸⁰ On May 24, the Ministry of Electricity and Energy issued a tender to build solar power facilities on 12 sites across central Myanmar that would generate between 20MW and 40MW each, on a build-operate-own basis for 20 years.⁸¹ This is the first major public tender announced since the coup in February.

C. Land Seizure

There have been no material updates since the last report.

V. Peace Talks and Ethnic Violence

A. Ethnic Violence

Violence in Shan State has continued following the February coup.⁸² On May 28, a bomb blast killed one person, injuring three others in Panglong in southern Shan State.⁸³ Another two bombs exploded on the grounds of a middle school.⁸⁴ On the same day, another explosion killed an 18-year-old near a shop selling medicine in northern Shan State, while also wounding three people.⁸⁵

In early June, military soldiers beat villagers and then used them as human shields during fighting against a civilian resistance group in southern Shan State.⁸⁶ The military broke down a door of a church and abducted five villagers in Moe Bye, near the border of Kayah State on June 4.⁸⁷ Soldiers also stole a phone and money from the pastor and abducted an additional five villagers from the area.⁸⁸ A family member of one of the abducted villagers said the military abducted their father and forced the abductees to stand between the Myanmar Army and Karenni Nationalities Defense Force (“KNDF”) during a clash.⁸⁹ The Army also shot at the abductees when they tried to run away and made some of them carry explosives.⁹⁰ According to the KNDF, at least four Myanmar Army soldiers were killed and four others were wounded.⁹¹

Two ethnic armed groups, the Restoration Council of Shan State and the Shan State Progress Party, fought over two days in southern Shan State, causing at least 200 villagers to flee their homes in the beginning of June.⁹² According to a displaced villager, most of those who fled are women, the elderly and children.⁹³

In northern Shan State, the Myanmar Army attacked a village in Kutkai Township on June 3, close to where ethnic armed organizations attacked it the day before.⁹⁴ The military fired at least 10 rounds of artillery at the Ta'ang National Liberation Army and Arakan Army near Kho Lon village.⁹⁵ Villagers from Kho Lon fled their homes during the clash.⁹⁶

According to a report published by the UN, an estimated 177,500 people have been displaced in southeastern parts of Myanmar due to violence, armed clashes and insecurity since

February 1.⁹⁷ This includes around 103,500 people displaced in Kayah State following an escalation of clashes since May 21.⁹⁸

In Chin State, clashes between the Chinland Defence Forces and Myanmar armed forces continued across a number of townships until early June and more than 20,000 people are currently hosted in over 100 displacement sites in five townships in Chin State and in the Magway and Sagaing regions.⁹⁹

In Kachin State, the displacement of 2,000 people has been verified in two townships.¹⁰⁰ A total of 11,650 people have been internally displaced across Kachin since mid-March 2021; more than 10,200 of them remain displaced.¹⁰¹

Armed clashes were reported for the first time in Kyethi and Mongkaing Townships in the southern areas of Shan State in 2021, leading to the displacement of an estimated 1,660 people in June.¹⁰² Since the start of 2021, around 17,730 people have been internally displaced across 14 townships in the north and southern parts of Shan State.¹⁰³

B. Peace Talks

There have been no material updates since the last report.

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