

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

JULY 2021 REPORT

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

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I. Coup and Crackdown on Protests

Myanmar's military regime revoked the results of last year's general election, in which the party of now detained State Counselor Aung San Suu Kyi won a landslide victory, claiming the poll was "not free and fair" and "not in compliance with" the constitution and the law.¹ In the election, the National League for Democracy ("NLD") won 920 (or 82%) of the total 1,117 elected seats up for grabs nationwide, while the military-backed main opposition party, the Union Solidarity and Development Party, only managed 71 seats, or 6.4% of elected seats.² Despite the regime's claim, international observers like the Carter Center and local monitoring groups said the polls were free and fair.³ The Asian Network for Free Elections said the outcome of the vote was "by and large, representative of the will of the people of Myanmar."⁴

In the week of July 2, at least four civilians, including a National League for Democracy member, were killed under interrogation by Myanmar's military regime.⁵ According to the Assistance Association for Political Prisoners, at least 885 civilians have been killed since the February coup and more than 6,400 have been detained.⁶ Other activist groups allege the actual number of fatalities is possibly much higher.⁷

Two protesters were killed and one was wounded in a crackdown by regime forces in Mandalay on July 27.⁸ Thu Thu Zin was shot in the head and died, and another person was also killed as the regime forces opened fire on protesters near the Mahamuni Pagoda.⁹

On July 3, pro-democracy protesters marked the birthday of military leader Min Aung Hlaing in several cities by scrawling his name on coffins at mock funerals, burning mock coffins and pictures of him and shouting wishes for his death.¹⁰ According to the *Irrawaddy*, "it was how they vented their simmering hatred of him for his seizure of power from the country's democratically elected government five months ago and his forces' lethal response to the popular protests against him."¹¹

Since the military overthrew the democratically elected government in February, the ensuing political turmoil and protests have thrown Myanmar's COVID-19 response into chaos, as doctors have been arrested for their prominent role in the Civil Disobedience Movement.¹² Amid a record-setting wave of infections, Myanmar's military authorities pledged on July 12 to increase oxygen supplies to help COVID-19 patients.¹³ On July 13, Joy Singhal of the International Federation of Red Cross and Red Crescent Societies told *Reuters* that "[t]he recent rise of COVID-19 in Myanmar is truly alarming. . . . The very high rate of positive cases during the past few weeks points to much more widespread infections. This is fast becoming critical as many people still have limited access to hospitals and healthcare."¹⁴

On July 19, approximately 5,000 residents from three villages in Shwebo Township, Sagaing Region fled their homes, as shootouts occurred outside Pa Lai village where resistance fighters used homemade rifles against large numbers of advancing junta troops.¹⁵

II. Political Developments

A. Rohingya Refugee Crisis

At least six Rohingya, including children, were killed and several others injured in July after heavy monsoon rains triggered landslides and flooding in refugee camps in southern Bangladesh.¹⁶ Onno van Manen, country director of Save the Children Bangladesh, said, “On top of these deaths, the heavy rains have damaged hundreds of temporary shelters, forcing exhausted families to seek shelter in mosques and schools.”¹⁷ Rohingya refugees mostly live in shacks made of bamboo and plastic sheets that cling to steep, bare hills and flooding has further worsened their living conditions.¹⁸

Police and civil authorities in New Delhi demolished a makeshift mosque in a Rohingya camp, say the refugees, weeks after a massive fire had engulfed the settlement.¹⁹ The mosque, made up of tarpaulin sheets and bamboo sticks, was bulldozed on July 22 at the camp located in New Delhi’s Madanpur Khadar area in the city’s south, bordering Uttar Pradesh.²⁰ The refugees say the demolition occurred despite their protests and has left them without a place of worship.²¹

B. Corruption

The military regime announced plans to file corruption charges against former NLD Vice Chairman Dr. Zaw Myint Maung and former Mandalay Region Minister for Electricity, Energy and Construction Zarni Aung.²² The military regime detained Dr. Zaw Myint Maung during the coup, charging him with incitement and breaching COVID-19 regulations.²³ He is now accused of accepting a bribe in exchange for granting a land permit in Mandalay to a private company and receiving improper funds.²⁴ Zarni Aung has been accused of charging below-market rent for land leased to NLD offices.²⁵

The military regime filed four new corruption charges against Aung San Suu Kyi.²⁶ Kyi now faces a total of ten charges, carrying a potential sentence of 75 years.²⁷ One of the charges has also been brought against former Naypyitaw Council member Min Thu, while another of the charges is also brought against former Naypyitaw Council deputy chair Ye Min Oo.

C. International Community / Sanctions

On July 2, 2021, the United States imposed additional sanctions on Myanmar’s military regime, targeting 22 individuals including the military regime’s members, their spouses and their adult children.²⁸ The U.S. also added four Chinese entities—three Chinese copper companies that have been providing support to the Myanmar military regime through revenue-sharing arrangements and a telecommunications company that has been providing satellite communications—to its trade blacklist for supporting the Myanmar military regime.²⁹

The United Nations (“UN”) High Commissioner for Human Rights, Michelle Bachelet, warned that the dire situation in Myanmar is driving the country towards possible civil war and regional insecurity.³⁰ Bachelet described the situation as having “evolved from a political crisis to a multi-dimensional human rights catastrophe.”³¹

In a meeting with ASEAN foreign ministers, the United States urged the foreign ministers to press for an end to the violence in Myanmar, a return to democracy and the release of all political prisoners.³² China’s foreign minister Wang Yi, however, urged Myanmar to settle

its political crisis through internal dialogue and reconciliation and said that the international community should refrain from imposing sanctions on the Myanmar military regime.³³

The United States renewed calls on Myanmar to free a jailed U.S. journalist who was taken into custody on May 24, 2021 as concerns about the COVID-19 outbreak in Myanmar's prison grew.³⁴ Myanmar has sought help from the international community to address its latest wave of COVID-19 infections.³⁵

In June, Russian Defense Minister Sergei Shoigu told Senior General Min Aung Hlaing that Russia was committed to strengthening military ties between the two countries. Russia has been closely cooperating with Myanmar to supply military hardware.³⁶

Myanmar appointed a new temporary head of its embassy in London, a move that did not require the consent of the British government.³⁷ The Burmese military regime is also seeking to replace the Burmese ambassador to the UN.³⁸ Myanmar's current ambassador to the UN opposes the coup and takeover of the government by the military regime.³⁹

III. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

On July 14, the daughter and wife of anti-regime protest leader Soe Htay, law student Theint Sandi Soe and her mother Kyi Kyi Khaing, were sentenced by a prison court in Mogoke, Mandalay Region, to three years imprisonment for incitement under Article 505(a) of the Penal Code for having taken part in protests against the regime.⁴⁰ They were detained after security forces failed to find Soe Htay and are among around 100 people who have been detained after the security forces failed to find their target.⁴¹ Many lawyers providing legal assistance in Mogoke also face warrants for incitement and are in hiding, resulting in a scarcity of legal representation for detained protesters.⁴²

On July 20, Nyan Win, a central executive committee member of the NLD, passed away from COVID-19 while being detained by the Myanmar military regime for sedition under Article 505(b) of the Penal Code.⁴³ Meanwhile, the regime continues to detain the 7-year-old son of Htar Htar Lin, the former head of the country's COVID-19 vaccination program, who is facing charges under Article 17 of the Unlawful Association Act and Article 505(a) of the Penal Code for communicating with the National Unity Government, which has been designated a terrorist group by the junta.⁴⁴

B. Freedom of the Press and Censorship

By the end of June, several journalists were released after months of detention.⁴⁵ However, the persecution of journalists has yet to subside. According to the Committee to Protect Journalists ("CPJ"), at least 32 journalists were imprisoned due to their work in Myanmar as of July 1.⁴⁶ Of the detained journalists, 24 are charged under 505(a), seven are jailed without a disclosed charge, six are female and 26 are male.⁴⁷ Reporters who are still being detained include five correspondents for the *Democratic Voice of Burma* with prison terms ranging from one month to three years.⁴⁸ Danny Fenster, the American managing editor of *Frontier Media*, is

currently the only foreign journalist known to still be in custody.⁴⁹ He has been detained since May 24 for allegedly spreading false information.⁵⁰

In a recent report, the CPJ noted the use of Article 505(a) as both an anti-state charge and a false news charge has “effectively made independent journalism a crime under the junta.”⁵¹ According to the CPJ, prosecutors and judges are under military pressure to rule against journalists using security laws.⁵² Additionally, the true number of journalists imprisoned may in fact be higher than reported, as many news organizations are reluctant to identify their staff over concerns that the imprisoned may face harsher punishments if their affiliation with news outlets is known.⁵³ Furthermore, there are also many members of the press who are in hiding, including at least five reporters from the Shan State-based *Tachileik News Agency*, which has been banned by the junta and whose reporter Kyaw Zin Hein is in detention.⁵⁴ As of July 15, at last 26 journalists in total were in hiding according to *Radio Free Asia*.⁵⁵

IV. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

The Myanmar military regime is seeking tenders to implement 12 solar power projects, with some 40 firms, including Thai and Chinese companies, planning to make bids.⁵⁶ The projects will be built in Mandalay, Bago, Magwe and Sagaing Regions and Shan State, with each project expected to generate between 20 to 40 megawatts of electricity.

Norwegian telecom firm Telenor, one of the largest foreign investors in Myanmar, has sold its Myanmar business to Lebanese investment firm M1 Group for \$105 million. Telenor blamed the difficulties of operating under the military junta as the catalyst for the sale. The move deals a blow to anti-regime activists who say they rely on the foreign operator for communications.⁵⁷ M1 Group is a major investor in Myanmar’s largest independent tower company, Irrawaddy Green Towers, which has a master lease agreement with military-backed telecom Mytel. A Dutch non-profit organization filed a complaint on behalf of hundreds of Myanmar-based civil society groups alleging that Telenor’s planned sale of its Myanmar unit violates the Organization for Economic Cooperation and Development’s “responsible disengagement” rules.⁵⁸ Concerns over the sale increased this week when Telenor confirmed that as part of the deal it would transfer the call records of its more than 18 million subscribers to the Lebanese company. Rights activists say allowing the junta to access such information would be dangerous, pointing out that phone subscribers in Myanmar must supply ID cards and addresses when registering SIM cards.

B. Economic Development—Infrastructure, Major Projects

There have been no material updates since the previous report.

C. Land Seizure

There have been no material updates since the previous report.

V. Peace Talks and Ethnic Violence

A. Ethnic Violence

By the end of July, an estimated 170,200 people remain displaced in southeastern parts of Myanmar due to violence, armed clashes and insecurity as a result of the coup.⁵⁹ This estimate includes around 121,400 people displaced in Kayah State and neighboring townships of the southern areas of Shan State following an escalation of clashes since May 21, about 47,700 people in Kayah State, including 7,000 people who had returned after having fled to Thailand between April and May but who remain internally displaced, and a further 1,100 people in Mon State.⁶⁰ According to public sources, 69 civilians have been killed and about 160 houses and 8 churches have been destroyed in Kayah and southern areas of Shan States due to the hostilities that erupted in May.⁶¹

In Chin State, clashes continued in and around Mindat Township over the course of July and more than 18,100 persons remain internally displaced in over 100 sites in Chin State and in neighboring Magway and Sagaing regions.⁶² This displacement is in addition to some 9,850 people who remain displaced across 27 sites in Paletwa Township in Chin State due to the earlier conflict between the Myanmar Armed Forces (“MAF”) and the Arakan Army.⁶³

Armed clashes between the MAF and ethnic armed organizations and among ethnic armed organizations in Shan State continued between late June and mid-July.⁶⁴ On June 30, some 860 persons from 11 villages in Kyaukme Township in northern Shan State were displaced following a series of clashes between the Restoration Council of Shan State (“RCSS”), the Shan State Progress Party (“SSPP”) and the Ta’ang National Liberation Army.⁶⁵ In Muse Township, more than 400 people in Man Yang Village Tract fled their homes on July 6 due to armed clashes between the MAF and the Myanmar National Democratic Alliance Army.⁶⁶ The displaced families were able to return only on July 17. In Hsipaw Township, about 300 people from two villages fled their homes on July 16 due to clashes between the RCSS and the SSPP.⁶⁷

B. Peace Talks

Leader of the Restoration Council of Shan State (“RCSS”), General Yawd Serk, stepped down as head of the Peace Process Steering Team (“PPST”), a group of ten nationwide ceasefire signatories.⁶⁸ Gen. Yawd Serk took the role as the PPST’s interim leader in March 2019, after the Karen National Union leader General Saw Mutu Sae Poe stepped down.⁶⁹ Gen. Yawd Serk said that he needed to devote more time to the RCSS and Shan State affairs.⁷⁰ His resignation was subsequently discussed at the PPST’s 17th regular meeting that started on July 1 and was held online.⁷¹ The other nine ethnic armed groups on the PPST wanted Gen. Yawd Serk to stay on as leader until the second PPST summit, which is set to be held in either October or November.⁷² “We asked him to reconsider his decision, but we can’t deter him and we agreed to his resignation,” said a PPST member.⁷³ A temporary committee of three PPST members: Nai Aung Min of the New Mon State Party, Colonel Sai Ngern of the RCSS and Khun Okkar, the patron of the Pa-O National Liberation Organization, will now lead the bloc until the October or November summit.⁷⁴

- ¹ The Irrawaddy, July 27, 2021: <https://www.irrawaddy.com/news/burma/myanmar-junta-officially-annuls-nlds-2020-election-win.html>.
- ² *Id.*
- ³ *Id.*
- ⁴ *Id.*
- ⁵ The Irrawaddy, July 2, 2021: <https://www.irrawaddy.com/news/burma/four-myanmar-civilians-tortured-to-death-in-junta-custody.html>
- ⁶ *Id.*
- ⁷ *Id.*
- ⁸ The Irrawaddy, July 28, 2021: <https://www.irrawaddy.com/news/burma/two-killed-as-myanmar-junta-forces-open-fire-on-mandalay-protest-column.html>.
- ⁹ *Id.*
- ¹⁰ The Irrawaddy, July 3, 2021: <https://www.irrawaddy.com/news/burma/myanmar-coup-makers-birthday-greeted-with-curses-nationwide-condemnation.html>
- ¹¹ *Id.*
- ¹² Reuters, July 22, 2021: <https://www.reuters.com/world/india/myanmar-military-accused-arresting-doctors-while-covid-19-infections-rise-2021-07-22/>
- ¹³ Reuters, July 12, 2021: <https://www.reuters.com/world/asia-pacific/myanmar-military-says-ramp-up-oxygen-supply-covid-19-cases-surge-2021-07-12/>
- ¹⁴ Reuters, July 13, 2021: <https://www.reuters.com/world/asia-pacific/myanmars-covid-crisis-worsens-mistrust-junta-infects-health-system-2021-07-13/>
- ¹⁵ *Id.*
- ¹⁶ Reuters, July 27, 2021: <https://www.reuters.com/world/asia-pacific/six-killed-landslide-flooding-rohingya-camps-bangladesh-2021-07-27/>.
- ¹⁷ *Id.*
- ¹⁸ Al Jazeera, July 27, 2021: <https://www.aljazeera.com/news/2021/7/27/six-rohingya-killed-thousands-relocated-in-bangladesh-landslides>.
- ¹⁹ Al Jazeera, July 22, 2021: <https://www.aljazeera.com/news/2021/7/22/mosque-in-india-capitals-rohingya-camp-bulldozed-refugees>.
- ²⁰ *Id.*
- ²¹ *Id.*
- ²² The Irrawaddy, July 9, 2021: <https://www.irrawaddy.com/news/burma/myanmar-junta-to-file-corruption-charges-against-nld-vice-chairman.html>.
- ²³ *Id.*
- ²⁴ *Id.*
- ²⁵ *Id.*
- ²⁶ The Irrawaddy, July 13, 2021: <https://www.irrawaddy.com/news/burma/aung-san-su-kyi-faces-75-years-in-prison-as-myanmar-junta-brings-fresh-charges.html>.
- ²⁷ *Id.*
- ²⁸ The Irrawaddy July 3, 2021: <https://www.irrawaddy.com/news/burma/us-sanctions-more-myanmar-junta-members-their-relatives-and-chinese-firms.html>.
- ²⁹ *Id.*
- ³⁰ Mizzima, July 7 2021: <https://www.mizzima.com/article/catastrophic-myanmar-situation-imperils-wider-region-un>.
- ³¹ *Id.*
- ³² The Irrawaddy, July 15, 2021: <https://www.irrawaddy.com/news/burma/us-urges-asean-to-hold-myanmar-accountable-to-jakarta-consensus.html>.
- ³³ The Irrawaddy, July 6, 2021: <https://www.irrawaddy.com/news/burma/myanmar-junta-sanctions-inappropriate-says-china.html>.
- ³⁴ Frontier Myanmar, July 27, 2021: <https://www.frontiermyanmar.net/en/us-renews-call-on-myanmar-to-free-journalist-amid-covid-fears/>.
- ³⁵ Frontier Myanmar, July 29 2021: <https://www.frontiermyanmar.net/en/myanmar-seeks-international-help-as-covid-bites/>.
- ³⁶ Mizzima, July 22, 2021: <https://www.mizzima.com/article/russia-cooperating-closely-myanmar-supply-military-hardware>.
- ³⁷ Mizzima, July 25, 2021: <https://www.mizzima.com/article/myanmar-appoints-new-temporary-head-embassy-london>.
- ³⁸ Mizzima, July 22, 2021: <https://www.mizzima.com/article/myanmar-tries-replace-its-ambassador-un>.
- ³⁹ *Id.*
- ⁴⁰ The Irrawaddy, July 14, 2021: <https://www.irrawaddy.com/news/burma/myanmar-junta-jails-activists-wife-and-daughter-for-3-years.html>
- ⁴¹ *Id.*
- ⁴² *Id.*
- ⁴³ The Irrawaddy, July 20, 2021: <https://www.irrawaddy.com/news/burma/nld-leader-u-nyan-win-dies-of-covid-19-while-detained-by-myanmar-junta.html>
- ⁴⁴ The Irrawaddy, July 2, 2021: <https://www.irrawaddy.com/news/burma/seven-year-old-son-of-detained-myanmar-health-official-still-in-prison.html>
- ⁴⁵ The Irrawaddy: June 30, 2021: <https://www.irrawaddy.com/news/burma/myanmar-junta-frees-political-prisoners-and-journalists.html>.
- ⁴⁶ Committee to Protect Journalists, July 28, 2021: <https://cpj.org/reports/2021/07/bitter-reversal-myanmar-journalists-jailed-imprisoned-military-crackdown/>.
- ⁴⁷ *Id.*
- ⁴⁸ Committee to Protect Journalists, July 28, 2021: <https://cpj.org/reports/2021/07/bitter-reversal-myanmar-journalists-jailed-imprisoned-military-crackdown/>.

⁴⁹ CNY, July 28, 2021: <https://www.cnyhomepage.com/news/national-news/groups-say-myanmar-journalists-in-peril-amid-crackdown/>.

⁵⁰ *Id.*

⁵¹ The Irrawaddy, June 30, 2021: <https://www.irrawaddy.com/news/burma/myanmar-junta-frees-political-prisoners-and-journalists.html>.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Radio Free Asia, July 15, 2021: <https://www.rfa.org/english/news/myanmar/media-07152021204940.html>.

⁵⁶ The Irrawaddy, July 2, 2021: <https://www.irrawaddy.com/news/burma/myanmar-junta-invites-bids-for-new-solar-power-projects.html>.

⁵⁷ Reuters, July 8, 2021: <https://www.reuters.com/business/media-telecom/telenor-sells-myanmar-operations-m1-group-105-mln-2021-07-08/>.

⁵⁸ The Irrawaddy, July 27, 2021: <https://www.irrawaddy.com/news/burma/more-than-400-myanmar-civil-groups-say-telenor-sale-breaks-oecd-rules.html>.

⁵⁹ Relief Web, July 30, 2021: <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-9-30-july-2021>.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ The Irrawaddy, July 8, 2021: <https://www.irrawaddy.com/news/burma/head-of-myanmar-eaos-peace-negotiating-team-steps-down.html>.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*