

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

JANUARY 2022 REPORT

Summary. This report reviews the January 2022 developments relating to human rights in Myanmar.

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I. Coup, Crackdown on Protests and Civilian Resistance

The General Strike Coordination Body encouraged members of the public and business owners to participate in a silent strike on February 1 to mark the one-year anniversary of the coup.¹ The military regime warned civilians and business owners not to participate by threatening that participants will face criminal charges that could carry sentences up to life imprisonment.² The military regime has already arrested several business owners who notified their customers that their stores would be closed on February 1.³

On January 17, former State Counselor Aung San Suu Kyi was sentenced to four years in prison for possessing “illegally imported” walkie-talkies and violating COVID-19 restrictions when she greeted a crowd of supporters during her 2020 election campaign without wearing a face mask.⁴ She now faces six years in prison, including the term imposed at her previous sentencing in December.⁵

Other members of the National League for Democracy (“NLD”) party are also facing new charges and prison sentences. On January 19, former Municipal Minister Min Aung was sentenced to seven years of prison.⁶ Pro-democracy activist Kyaw Min Yu (more commonly known as Ko Jimmy) and former NLD MP Phyo Zayar Thaw were both sentenced to death on January 21 for allegedly leading and planning guerilla attacks against the military.⁷

II. Political Developments

A. Rohingya Refugee Crisis

Videos recently surfaced showing the Arakan Rohingya Salvation Army (“ARSA”), a Rohingya Muslim insurgency group based in Western Myanmar, conducting drills in Maungdaw Township, Rakhine State.⁸ ARSA attacks and subsequent military crackdowns in the region have become less frequent from their peak in 2016 and 2017, and tensions between the Muslim and non-Muslim communities in the region have since declined.⁹ However, Rohingya communities that remain in the region are concerned that the return of the ARSA will result in reprisals from the Myanmar military, forcing more Rohingya residents to flee and further exacerbate the current refugee crisis.¹⁰

B. Corruption

Five new corruption charges were filed against former State Counselor Aung San Suu Kyi.¹¹ These latest charges are related to the purchase and use of a helicopter.¹²

On January 19, Rakhine State Chief Minister Nyi Pu was sentenced to nine years in prison for corruption charges.¹³ Also on January 19, former Finance Minister Kyaw Aye Thein and former Transport Minister Aung Kyaw Zan were both given prison sentences for corruption charges.¹⁴ Dr. Linn Htut, the Shan State Chief Minister, and Soe Nyunt Lwin, the finance minister, were both sentenced to 16 years in prison on January 28, also for corruption charges.¹⁵

A former NLD military colonel and Minister of the Union Government Office has been charged with corruption by the military junta.¹⁶ The junta has accused Min Thu of accepting a bribe to contract with a company for merchandise.¹⁷

C. International Community / Sanctions

On January 31, the United States, United Kingdom and Canada imposed additional sanctions on Myanmar junta officials. The announcement of the additional sanctions coincided with the one-year anniversary of the February 2021 coup.¹⁸ The three countries imposed coordinated sanctions against three senior military members, with the United States also imposing additional sanctions against several Myanmar business leaders and companies.¹⁹ However, despite the sanctions, a report by Justice for Myanmar accuses U.S. companies of evading sanctions by continuing to import timber from Myanmar.²⁰

The United Nations (“UN”) urged the world to increase pressure on Myanmar’s junta to cease violence against the people of Myanmar and to restore civilian rule.²¹ UN Human Rights Chief Michelle Bachelet stressed this message, saying, “It is time for an urgent, renewed effort to restore human rights and democracy in Myanmar and ensure that perpetrators of systemic human rights violations and abuses are held to account.”²² The UN Human Rights Office is set to publish a report in March detailing the human rights situation in Myanmar.²³

Hearings in the International Court of Justice (“ICJ”) case against the Myanmar junta for the alleged crimes, including genocide, committed against the Rohingya, are expected to begin on February 21.²⁴ The Myanmar junta is expected to challenge the jurisdiction of the ICJ to hear the allegations, which were brought by Gambia.²⁵

During a controversial visit to Myanmar, Cambodian Prime Minister Hun Sen conditionally invited Myanmar to a summit of the Association of Southeast Asian Nations (“ASEAN”) so long as Myanmar makes progress on the peace pledge agreed to last year.²⁶ The Myanmar junta have been excluded from recent ASEAN meetings as a result of the coup and the ensuing violence.²⁷

Nearly one year after the coup, the UN Security Council met with a Cambodian minister from ASEAN to discuss the crisis in Myanmar. It is expected that the ASEAN minister reported on Prime Minister Hun Sen’s visit to Myanmar in early January 2022.²⁸

Myanmar’s shadow government, the National Unity Government (“NUG”), accused the military junta of committing crimes against humanity with its deadly artillery strikes and air raids on civilians.²⁹ Myanmar People’s Assembly, a grouping of major pro-democracy forces, has pledged to bring the junta before the International Criminal Court to be tried for the atrocities committed against civilians in the wake of the February 2021 coup.³⁰

Turkey has reportedly banned arms sales to the Myanmar military as a response to the coup, becoming the 45th country to publicly state that it will not sell arms to Myanmar.³¹

During a meeting with the United States, Myanmar’s NUG urged the United States to continue its support of the democratically elected Myanmar government.³² The United States

“reaffirmed [its] strong commitment to the people of [Myanmar] and the swift restoration of the country’s path to democracy.”³³

III. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

A Yangon University professor who led a strike by university staff in response to the military takeover was sentenced to three years in prison by a junta court.³⁴ Dr. Akar Moe Thu, an oriental studies professor at Yangon University, was arrested on March 2, 2021 while organizing an anti-coup demonstration by university teachers at MICT Park in Yangon’s Hline Township.³⁵ He was charged under Section 505(a) of the Penal Code for incitement and sentenced to three years’ imprisonment after 11 months in detention.³⁶

Myanmar’s junta warned civilians against participating in a silent strike planned for the anniversary of the February 1 coup, saying that anyone taking part in the strike would face legal action, including charges under the Counter-Terrorism Law.³⁷ Nine striking civil servants in Falam, Chin State were detained by the regime.³⁸ Among the detained are teachers, medics and staff from the immigration and communications departments.³⁹ The strike was the third such silent protest in response to the coup.

B. Freedom of the Press and Censorship

The Myanmar regime arrested two journalists, Ko Zaw and Ma Moe Nyint, and designer Ko Thar Gyi from Dawei Watch, an online news outlet on January 18.⁴⁰ A representative from Dawei Watch said they do not yet know where their staff were taken or why they were arrested. These arrests raise the number of journalists being held by the junta to at least 46.⁴¹ Myanmar has become the world’s second largest jailer of journalists, after China, since the coup.⁴²

The fate of five relatives of a pro-democracy broadcaster, including his ailing parents, two sisters and a niece, remains unknown after they were taken on December 18 from their home in Monywa, Sagaing Region.⁴³ Ko Aung Nay Myo has been in hiding to avoid sedition charges for his anti-regime activities since the coup, including a broadcast that satirizes coup leader Min Aung Hlaing.

IV. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

About 70% of Japanese companies investing in Myanmar will either maintain or expand their operations in the country in the next two years despite the military coup and the coronavirus pandemic, according to a Japan External Trade Organization (“JETRO”) report.⁴⁴ According to the report, 52.3% will maintain current levels of operations in Myanmar, 13.5% will expand them, 27.5% will scale back their business and 6.7% will withdraw from the country.

Norwegian telecom firm, Telenor, has agreed to sell its 51% stake in Myanmar’s Wave Money, a digital payment service provider, for USD\$53 million to Yoma MFS Holdings Pte Ltd,

a subsidiary of Singapore-listed Yoma Strategic.⁴⁵ Wave Money was launched in November 2016 as a joint venture between Telenor and Yoma Bank, which is part of First Myanmar Investment (“FMI”). FMI and Yoma Strategic are part of tycoon Serge Pun’s Yoma Group.

TotalEnergies and Chevron Corp, partners in a major gas project in Myanmar, said on January 21 that they are withdrawing from the country, citing the worsening humanitarian situation following last year’s coup.⁴⁶ TotalEnergies and Chevron, along with other firms, were part of a joint venture operating the Yadana gas project off Myanmar’s southwestern coast and the MGTC transportation system carrying gas from the field to the Myanmar/Thailand border. Royal Dutch Shell Plc also said on January 21 that it no longer held exploration licenses in Myanmar as of last year.

Analysts say that PTT Exploration and Production Plc (“PTTEP”), Thailand’s state oil and gas explorer, looks set to take over Myanmar’s biggest gas field, as TotalEnergies and Chevron Corp exit.⁴⁷ A move by PTTEP to become operator of Yadana field, in which it already has a 25.5% stake, would keep vital gas supplies flowing to Thailand and Myanmar, and could contribute revenue to Myanmar’s ruling junta amid tighter U.S. and other sanctions. PTTEP already operates Myanmar’s smaller Zawtika field, in which it has an 80% stake. PTTEP said on January 21 that it was “carefully considering” its next steps regarding Yadana and how to maintain energy supplies for Thailand and Myanmar.

B. Economic Development—Infrastructure, Major Projects

A number of development projects implemented with Official Development Assistance loans from Japan and South Korea have restarted after their suspension following last year’s coup.⁴⁸ Among the restarted projects are the Yangon-Dala Bridge, funded by South Korea, and the Thanlyin Bridge and the upgrading of the Yangon circular railway, both funded by Japan.⁴⁹ The Yangon railway project resumed in June last year and is now almost back to normal operation, said an employee of Nippon Signal, which is upgrading the signals system.⁵⁰ An upgrade of the stretch of railway between Bago and Taungoo on the Yangon-Mandalay line was also resumed last month, while construction of the Yangon-Dala Bridge restarted in September last year, according to residents who live near the construction site.⁵¹

Three electricity pylons supplying the China-backed Tagaung Taung nickel-processing plant in Sagaing Region were blown up this month, forcing production to halt.⁵² Tigyaing Township People’s Defense Force said it blew up the pylons on January 7.⁵³ The nickel project opened in July 2008 with a 20-year production-sharing contract between No (1), Mining Enterprise of Myanmar and the Chinese state-owned firm, China Nonferrous Metal Mining (“CNMC”).⁵⁴ With an investment of US\$800 million, the project is the largest nickel production site in Myanmar with an annual production of 85,000 tons of ferronickel, according to the joint venture.⁵⁵

C. Land Seizure

Residents in the Ayearwaddy region were reportedly “evicted by junta troops” in early January.⁵⁶ The residents, many of whom live in tents in the mountains, were ordered to leave by the junta, with threats that they would be killed if they don’t leave the area.⁵⁷ The junta

reportedly suspects that PDF groups are “hiding out in the forest and mountains.”⁵⁸ In addition to on-the-ground attempts to remove residents, military aircraft have reportedly been patrolling the area.⁵⁹

V. Peace Talks and Ethnic Violence

A. Ethnic Violence

The Myanmar National Democratic Alliance Army (“MNDAA”) and the Kachin Independence Army (“KIA”) fought with junta forces in the first days of the New Year in northern Shan State.⁶⁰ According to a spokesperson for KIA’s political wing, Kachin soldiers clashed with the military on January 2 when 100 soldiers attacked the KIA in the Muse District.⁶¹ The spokesperson confirmed that tensions between the MNDAA and the military also increased after they clashed in another part of northern Shan State on the same day.⁶² The MNDAA also fought regime soldiers in several places in the Mongkoe area near the Chinese border.⁶³ From December 31 to January 1, violence broke out in Kyeinkyar Kyeik village and Hpouk Yangkyi area.⁶⁴ According to Kachin News Group, the military and KIA fought in Seng Phara village in Hpakant Township on January 4 and the regime abducted two civilians.⁶⁵

In early January, fighting between competing Shan armed groups forced many civilians to flee their homes in Mong Kung Township.⁶⁶ According to a local source, more than 1,500 people who have taken temporary shelter in Mong Kung town, just six miles from the site of the conflict, are in need of food and medicine.⁶⁷ Most are housed in various Buddhist monasteries and with relatives in town.⁶⁸ The Restoration Council of Shan State (“RCSS”) and the Shan State Progress Party (“SSPP”) have been fighting in Mong Kung since September 2021, resulting in massive displacement of civilians.⁶⁹ The groups are also at hammerheads in northern Shan State.⁷⁰

On January 7, fierce clashes broke out between resistance groups and junta troops in Loikaw, the capital of Kayah State.⁷¹ According to the Karenni Nationalities Defense Force (“KNDF”), six civilians were killed in the fighting.⁷² Myanmar’s military regime launched air strikes on Loikaw the following Saturday and Sunday, forcing thousands of local residents to flee their homes. A charity worker said that his group evacuated around 2,000 people and nearly half the town’s population has fled out of fear.⁷³ Some residents have fled to Shan State, Mandalay, Naypyitaw and other towns, but some are taking shelter at local churches in Kayah.⁷⁴ Junta attacks from the air were also heard in Demoso, Shardaw and Moebye and Pekhonn towns.⁷⁵ According to the KNDF, at least 30 junta soldiers, including a lieutenant, died and many more were injured in the fighting. The KNDF also shot down a gunship, destroyed an armored vehicle and seized weapons and ammunition from the regime.⁷⁶ Junta troops also clashed with resistance groups in Demoso and at least 10 junta soldiers died in the fighting, despite air support.⁷⁷ Some civilian houses were damaged in the shelling and air strikes and junta troops also deliberately set some houses on fire to cremate their colleagues’ bodies, said the KNDF.⁷⁸

According to Loikaw residents, the military regime has intensified its attacks in Loikaw, deploying helicopters to regain road access to other parts of Kayah State via Loikaw.⁷⁹ Resistance groups have blocked road access since December 2021, preventing the regime from sending reinforcements and food supplies.⁸⁰

Fighting broke out between the Ta'ang National Liberation Army (“TNLA”) and the Myanmar Army in Namkham Township, northern Shan State on January 12.⁸¹ The clashes killed five Myanmar soldiers.⁸² Earlier, on January 5, heavy fighting broke out between the TNLA and the Myanmar Army in Namkham, killing four soldiers.⁸³

According to the UN, on January 8, the body of a 13-year-old boy was discovered in Matupi, Chin State, while a 12-year-old girl and 16-year-old boy were injured by heavy weaponry in Loikaw, Kayah State, following intense airstrikes and mortar attacks.⁸⁴ On the same day, a 7-year-old girl was injured by heavy weapons fire in Hpa an, Kayin State.⁸⁵ On January 7, one 14-year-old and two 17-year-old boys were fatally shot in Dawei Township, in the Tanintharyi Region.⁸⁶ On January 5, two young girls, aged 1 and 4, were injured by artillery fire in Namkham, Shan State.⁸⁷ In a statement, UNICEF Regional Director, Debora Comini, said the agency was “gravely concerned” by the escalating conflict and condemns the reported use of airstrikes and heavy weaponry in civilian areas.⁸⁸

The junta recently placed landmines around oil and gas pipelines to China running through Hsipaw Township in northern Shan State, according to the Shan Human Rights Foundation (“SHRF”).⁸⁹ The site is just outside Nawng Arng village in Hawng Haeng village tract, some 15km west of Hsipaw town. The SHRF reported that in November, a Myanmar army sergeant informed Hawng Haeng’s headman of their use of the landmines in the area for “security reasons,” despite objections by locals.⁹⁰ The military has reportedly prohibited villagers from entering the mined area, which they have long used to gather edible plants and hunt for wild game.⁹¹

Around 160 military troops were killed and 102 were injured in clashes between the military and the Karen National Liberation Army (“KNLA”) throughout the first two weeks of January.⁹² Around 40 soldiers were killed in a series of attacks over a span of five days on a fleet of eight military vessels.⁹³ According to the People’s Defense Forces (“PDFs”), around three dozen soldiers died in intense conflict from January 29-31 in Magwe, Sagaing and Tanintharyi regions.⁹⁴

Given the ongoing conflict, more and more residents have been forced to flee their homes and instead live in displacement camps. Unfortunately, many of these camps are now subject to bomb attacks and food shortages. Many roads that are needed for food deliveries have been blocked by the military.⁹⁵ Two children and an adult were killed on January 17 when a helicopter bombed a displacement camp in Hpruso Township in Kayah State.⁹⁶ A child was also seriously injured when troops bombed a village in Sagaing Region.⁹⁷ There are still some bombs in the area that did not detonate, and villagers fear that they may explode in the future and hurt others.⁹⁸

Military troops continue to target villages with a strong civilian resistance presence, particularly villages in Kayah State, Magway Region and Sagaing Region. Since early January, there have been around 23 civilians killed in Loikaw, the capital of Kayah State.⁹⁹ After attacking the area with airstrikes,¹⁰⁰ troops looted and burned down houses and stores along their path.¹⁰¹ They also torched houses in Minelone ward on January 11.¹⁰² Charred bodies of a mother and son were found in Htunggantha village on January 27.¹⁰³

Around fifteen villages in Magway region were raided by hundreds of military soldiers this month.¹⁰⁴ On January 16, troops raided Thadut village and destroyed 25 houses.¹⁰⁵ An estimated total of 50 houses and some oil fields¹⁰⁶ were burned by military troops across six villages in Myaing Township on January 17.¹⁰⁷ Charred remains of three residents were found on January 18.¹⁰⁸ On January 20, more than 100 houses were destroyed in San Myo village, which was about 80% of the total number of houses in the village.¹⁰⁹ The following week, 30,000 civilians from 10 villages in Pauk Township fled in advance of a series of raids, during which soldiers again looted and burned down homes.¹¹⁰

In Sagaing Region, three military helicopters dropped 12 bombs on Moetar Gyi village, Kathar Township, according to Kathar PDFs.¹¹¹ On January 25, around 15,000 people fled from ten villages in Shwebo Township as troops attacked and burned down houses in the area.¹¹²

B. Peace Talks

There have been no material updates since the prior report.

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