

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

MARCH 2022 REPORT

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

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I. Coup, Crackdown on Protests and Civilian Resistance

The Myanmar military has resumed fighting against the Myanmar National Democratic Alliance Army in Kokang region, Shan State, two weeks after the death of the resistance group's leader.¹

Troops torched more than 200 homes in two villages in Pauk Township, Magway Region, during the first week of March.² Troops raped a mother before killing her and her two daughters, and used around 29 people as human shields.³ In mid-March, around 200 soldiers raided and destroyed about 200 homes across three villages in Gangaw Township.⁴ Residents report that nearly all Moe So village's 150 homes, around 20 homes out of 300 in Thazi village and 29 out of 200 homes in Chaung Kauk village were destroyed.⁵ Troops tortured at least two civilians; one was doused with hot water before his neck was chained to a vehicle and he was dragged around the village until he died, and another was found dead with his limbs fractured, an eye gouged out and stab wounds.⁶

On March 3, People's Defense Force ("PDF") civilian fighters attacked and killed about 20 soldiers who had burned down around 200 homes in Pauk Township, Magway Region the week before, according to resistance groups.⁷ On March 7, over 30 soldiers were killed in clashes between the military and the Kachin Independence Army and PDF in Mohnyin Township, Kachin State.⁸

Clashes in Myawaddy Township, Kayin State have escalated since the Karen National Liberation Army ("KNLA") seized a military base in mid-March.⁹ Resistance groups reported that around 40-60 military soldiers were killed on March 25.¹⁰ Three main roads leading to Demoso, Kayah State are now blocked as a result of ongoing fights between KNLA and the military.¹¹ This makes it difficult for charities to deliver food and water to nearby camps for displaced civilians.¹² Residents in Kanpetlet Township, Chin State are also facing food shortages due to the almost 6 weeks of fighting between the military and the Chinland Defense Force.¹³ Around 900 people have fled to the forests and mountains and have not been able to return to their villages for food since the fighting began.¹⁴

Around 200 people were arrested and 300 motorcycles were confiscated by the military near a market at Dawei Township.¹⁵ Most of those arrested were vendors and were told by troops that they would only be able to get their motorcycles back if they paid 200,000 kyats.¹⁶

The number of defectors from the military continues to grow. Captain Pyae Kyaw, who took part in the 2017 campaign against the Rohingya in Rakhine State, is one of the latest high-ranking officials to defect to the Civil Disobedience Movement ("CDM").¹⁷ Three lieutenant colonels (who also served as battalion leaders, making them some of the highest ranking officers among the on-the-ground troops) have surrendered and defected to the Karen National Union.¹⁸ The National Unity Government has been lobbying other nations to offer asylum to military defectors as a way of supporting the anti-regime revolution.¹⁹ The Australian government began granting asylum to such defectors in January.²⁰ Many soldiers are now considering defecting and seeking asylum in Australia in order to protect themselves and their families.²¹ In his speech on Armed Forces Day, Senior General Min Aung Hlaing urged for unity among the troops.²²

On March 25, Senior General Min Aung Hlaing signed the Police Force Law, which expands the role of law enforcement and the military.²³ Myanmar police officers are now required to join the fight against anti-coup resistance forces across the country.²⁴ Also, the military are now able to arrest (without need for a warrant) and imprison members of the public from 6 months to 2 years for playing wind instruments or banging pots and pans, both actions that were used as signs of protest in recent months.²⁵

Resistance fighters were forced to flee after trying to defend Lel Yar village.²⁶ Around 210 houses were torched in Lel Yar Village, while 120 houses were burned down in Letpan Hla Village.²⁷

A village in Khin-U Township, Sagaing Region, was essentially reduced to ashes during a raid conducted by around 80 troops on March 5.²⁸ Eleven resistance fighters and three civilians were killed in these clashes.²⁹ From March 5 to 16, soldiers burned down around 337 houses across 7 different villages in Khin-U Township.³⁰ Around 2,500 people are now homeless because of this raid.³¹ On March 13, troops raided a village in Taze Township, resulting in the destruction of several houses and the deaths of two civilians.³² During the previous week, troops destroyed around 300 homes in Pale Township and arrested eight people.³³

On March 8, the military began bulldozing houses on the town of Myitnge in Mandalay Region, a town which is mainly populated by employees of Myanmar Railways.³⁴ Many of these employees are on strike as part of the CDM.³⁵ The military has also restricted travel to and from the town.³⁶

Myanmar's regime-appointed Union Election Commission ("UEC") will rule on the legality of the National League for Democracy ("NLD") soon after it failed to comply with the UEC's order to submit financial accounts and expenses for inspection.³⁷ The NLD and Shan Nationalities League for Democracy ("SNLD") refused to submit for inspection in mid-February.³⁸ The SNLD has invited UEC inspectors to come to its office but refuses to go to the UEC office, saying it has done nothing wrong.³⁹ The NLD has refused to recognize the UEC, which was formed after last year's coup and said all its announcements are illegal.⁴⁰ Under the Political Parties Registration Law, parties can be suspended for three years for breaches and will only be allowed to do specific activities.⁴¹ Any breach could also lead to disbandment.⁴²

II. Political Developments

A. Rohingya Refugee Crisis

On March 21, the United States officially determined that the actions of the Myanmar military against the country's Rohingya minority group amounted to genocide and crimes against humanity.⁴³ While the United States State Department had previously released a report that described the Myanmar military's actions as "seemingly geared toward both terrorizing the population and driving out the Rohingya residents," the report stopped short of calling those actions genocide.⁴⁴ However, the United States has now determined that the military's actions met the definition of genocide formulated the United Nations, which requires acts "committed with intent to destroy, in whole or part, a national, ethnical, racial or religious group."⁴⁵ This

designation will likely lead to additional sanctions against the increasingly isolated military junta currently leading the country.⁴⁶

On March 29, the United Nations launched the 2022 Joint Response Plan (“JRP”) that aims to raise \$881 million for humanitarian agencies to support nearly one million Rohingya refugees in eastern Bangladesh and numerous Bangladeshis in the surrounding areas.⁴⁷ The areas of eastern Bangladesh currently inhabited by Rohingya refugees from Myanmar are very susceptible to natural disasters and climate change.⁴⁸ As more and more people become displaced across the globe, the United Nations aims to ensure that the international community does not forget about the ongoing Rohingya refugee crisis.⁴⁹

B. Corruption

A junta court heard a corruption case on March 8 against Aung San Suu Kyi, in which a prosecution witness disputed regime allegations that the detained State Counselor abused her power to purchase land plots at lower prices for her charity foundation in the Myanmar capital Naypyitaw.⁵⁰ Ko Ko Oo, a department head from the Naypyitaw Development Committee, testified that the land was sold to Aung San Suu Kyi at the official price fixed by the development committee.⁵¹ In 2018, Aung San Suu Kyi bought more than 90 acres of land in Naypyitaw’s Ottarathiri Township for 700 million kyats (USD\$444,000 at the time) for the Daw Khin Kyi Foundation, a charity which she established in 2012 and named after her mother.⁵² The land was earmarked for the La Yaung Taw project, which aimed to establish a vocational training school and a forest.⁵³ The land was sold at five million kyats per acre, an official price set by the Naypyitaw Development Committee.⁵⁴

In a court hearing on March 14, Aung San Suu Kyi denied accepting bribes from Phyo Min Thein, the Yangon Region chief minister.⁵⁵ Aung San Suu Kyi was quoted as saying, “The allegations are completely false. I had no reason to take it, no reason to accept it.”⁵⁶ Phyo Min Thein testified in October last year that in his role as Yangon chief minister he gave seven viss (around 11.4kg) of gold and US\$600,000 to Aung San Suu Kyi in 2017 and 2018.⁵⁷ Aung San Suu Kyi has dismissed his claims as “all absurd.”⁵⁸ Aung San Suu Kyi is on trial for nearly a dozen charges that carry a combined maximum prison sentence of more than 100 years.⁵⁹

Former Brigadier General Thura Aung Ko, who served as the minister for religious affairs and culture under the ousted NLD, was sentenced to 12 years in prison with labor for alleged corruption.⁶⁰ The regime alleged that Aung Ko accepted 40 million kyats (US\$22,522) from individuals in return for Sāsanānuggaha titles—titles conferred on those who make significant contributions to the promotion of Buddhism.⁶¹ He was also accused of accepting a luxury car and a gold plate weighing 20 ticals (326.6 grams).⁶²

C. International Community / Sanctions

Following the close of hearings on Myanmar’s preliminary objections to the Gambia’s case at the International Court of Justice at the end of February, the Gambia made a plea for judges to move swiftly to provide justice to the Rohingya.⁶³ Human rights defenders from Myanmar and Human Rights Watch continue to urge the United Nations (“UN”) to explore all

avenues to prosecute Myanmar military leaders and hold them accountable for the crimes committed against the Rohingya.⁶⁴

Several UN human rights envoys have issued additional warnings that Myanmar faces a profound crisis and an increase in violence and instability in the country.⁶⁵ The UN also denounced the mass killings in Myanmar and accused the military junta of possible war crimes and crimes against humanity since the February 2021 coup.⁶⁶

The United States has determined that the violence committed against the Rohingya amounts to genocide and crimes against humanity.⁶⁷ Following the announcement, the United States and United Kingdom imposed new sanctions against the Myanmar military, which target both the military and businesses that provide assistance to the military.⁶⁸

U.S. President Joe Biden and Singapore Prime Minister Lee Hsien Loong shared their deep concerns over the situation in Myanmar and jointly called on the military junta to release all political detainees in Myanmar, including Aung San Suu Kyi.⁶⁹

The military junta have taken cautious initial steps with ASEAN to allow additional humanitarian assistance into Myanmar.⁷⁰ Although additional talks are necessary to determine procedures to facilitate access, this is an encouraging first step and one that was urged by Cambodia and Japan prior to the ASEAN meeting.⁷¹ Human Rights Watch issued a statement criticizing ASEAN special envoy, Cambodian Foreign Minister Prak Sokhonn, following his meeting with the junta military chief, claiming that the meeting “undermine[d] the limited regional pressure being place on Myanmar.”⁷²

III. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

A Myanmar junta court sentenced prominent democracy activist Ko Mya Aye to two years’ imprisonment under hate speech charges.⁷³ The activist has been under detention for more than one year since last year’s coup.⁷⁴ The junta filed the case against Ko Mya Aye under Article 505(c) of the Penal Code based on a 2014 email about his work with ethnic armed organizations, Burman ethno-nationalism and the importance of working together for federal democracy.⁷⁵ The email was found on his seized phone.⁷⁶ Article 505(c) prohibits statements which could incite anyone to commit an offense and carries up to two years’ imprisonment.⁷⁷

A police lieutenant colonel from the Criminal Investigation Department detained for criticizing Myanmar junta’s vehicle-ramming attack on anti-regime protesters in Yangon has been sentenced to three years in prison.⁷⁸ Lt. Col. Zaw Win Ko was detained on February 8 after he posted criticism on social media of the regime’s fatal vehicle-ramming attack on protesters in Kyimyindaing Township on December 5.⁷⁹ He has been detained in Naypyitaw since February and charged for incitement and violation of the Myanmar Police Force Maintenance of Discipline Law.⁸⁰

Myanmar’s military regime has sentenced the female former bodyguard of detained State Counselor Aung San Suu Kyi to an additional two years in prison for incitement.⁸¹ Cherry Htet,

a 30-year-old police second lieutenant, was already sentenced to three years' imprisonment in December for breaching police rules over her social media posts supporting the ousted leader.⁸²

B. Freedom of the Press and Censorship

A military regime court in Naypyitaw charged a Mizzima news editor, Than Htaik Aung, with incitement under Article 505(A) of the Penal Code on March 9 after detaining him for a year.⁸³ The journalist was arrested on March 19 along with a local BBC reporter in the capital while covering the trial of a senior leader of the ousted National League for Democracy.⁸⁴ The BBC journalist was released three days later.⁸⁵ Since the coup, the regime has shut down at least six independent media organizations, including Mizzima, and arrested many journalists, making Myanmar the world's second-biggest jailer of journalists after China since the takeover on February 1 last year.⁸⁶ There are currently 46 journalists behind bars in Myanmar.⁸⁷ Three have been killed by the junta.⁸⁸

Myanmar's regime cut internet access across Sagaing Region where armed resistance to the junta is strong.⁸⁹ Residents said the internet was down across the sprawling region's 34 townships, other than four towns and cities, denying news about fighting in the area.⁹⁰ Residents fear the lack of internet access will limit their ability to avoid junta raids and find shelter after being attacked.⁹¹

IV. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

Thai energy company PTTEP has said it will take over Myanmar's vital Yadana gas field following the withdrawal of global giants Chevron and TotalEnergies in January.⁹² The Yadana gas field in the Andaman Sea provides electricity to Myanmar and Thailand and is one of a number of gas projects that Human Rights Watch says make up Naypyitaw's single largest source of foreign currency revenue, generating more than US\$1 billion annually. The field accounts for roughly 50% and 11% of Myanmar's and Thailand's gas demand, respectively, PTTEP said.

Myanmar's junta has given final approval for the sale of Norwegian telecommunications company Telenor's operations in the country to a local company and a Lebanese investment firm.⁹³

Japanese energy company Eneos Holdings Inc. aims to withdraw from Myanmar's Yetagun gas project in response to "social issues," according to its spokesperson, amid criticism that the project is funding the junta.⁹⁴

B. Economic Development—Infrastructure, Major Projects

There have been no material updates since the previous report.

C. Land Seizure

The Myanmar military regime has seized hundreds of houses belonging to individuals taking part in the anti-regime movement across the country, hoping to weaken resistance to its rule.⁹⁵ The junta has targeted properties owned by its opponents, mainly elected lawmakers and members of the NLD, officials of the ousted NLD-led government, and representatives of the shadow National Unity Government and its parliamentary committee the CRPH, but also political activists, striking civil servants, journalists, celebrities and businessmen who have supported the resistance movement against the regime.⁹⁶ According to data compiled by the Assistance Association for Political Prisoners, at least 267 houses and other properties owned by individuals had been seized by the junta as of January 20, with nearly half of those belonging to NLD lawmakers and members.⁹⁷

Beginning on March 8, Myanmar junta forces have been demolishing the houses of civilians in Mandalay Region's Myitnge, a town whose population is mainly Myanmar Railways ("MR") staff, many of whom are on strike as part of the Civil Disobedience Movement protesting military rule.⁹⁸ The regime has been bulldozing houses in Myitnge's 16 wards, declaring them to be squats.⁹⁹

V. Peace Talks and Ethnic Violence

A. Ethnic Violence

In early March, two men from Kyaukme were injured after accidentally stepping on a concealed landmine where several ethnic armed organizations are fighting over territory in northern Shan State.¹⁰⁰ One of the two men, a 20 year old, died on the way to treatment.¹⁰¹ Last January, the Restoration Council of Shan State ("RCSS") clashed with Northern Alliance members Shan State Progress Party ("SSPP") and Ta'ang National Liberation Army near the villages.¹⁰² In Lawksawk Township, a man was injured when he drove his motorbike over a landmine near a bridge.¹⁰³ According to a volunteer, this man suffered serious injuries to his left leg.¹⁰⁴

On March 9, the Kachin Independence Army ("KIA") abducted eight Shan youths from Muse District in northern Shan State. Five of them were released the same day, while three others were held captive and their families were prevented from seeing them.¹⁰⁵ On February 11, the KIA also kidnapped three youths from their home at Ner Ngu in Yon Maw village tract, Kutkai Township.¹⁰⁶

An ethnic Ta'ang politician and his family were murdered in southern Shan State by the RCSS, according to an investigation committee.¹⁰⁷ Mai Noam Han, the chairman of the Mongkai Township branch of the Ta'ang National Party ("TNP"), was found dead along with his wife and seven-month-old daughter after all three went missing on January 10.¹⁰⁸ Political analysts in Shan State said that the RCSS is unhappy that the TNP has grown in popularity in Mongkai Township.¹⁰⁹ The family were allegedly abducted by the RCSS near the village of Tong Lew.¹¹⁰ Their bodies were found on March 9 in a pit in a remote part of the forest.¹¹¹ Some 30 bullet casings were found near the bodies, suggesting that they were shot after being pushed into the pit, according to the committee investigating their deaths.¹¹² Shan political analysts said that Mai Noam Han's mother was also killed in a politically motivated crime plotted by the RCSS and designed to lure the politician to the area.¹¹³ The RCSS denied abducting the politician in a

letter sent back on January 29.¹¹⁴ The RCSS also called for further investigations, saying that other ethnic armed groups are also active in the area and could have abducted Mai Noam Han and his family.¹¹⁵ However, locals said that troops from the Northern Alliance only arrived in the region on January 24, and that only RCSS soldiers were active in the area prior to that date.¹¹⁶

B. Peace Talks

Japanese special envoy for national reconciliation in Myanmar, Yohei Sasakawa, met with some of Myanmar's ethnic armed organizations on March 10 in an effort to revive the country's peace process.¹¹⁷ However, analysts cast doubt on the significance of the talks, which excluded many of the main groups currently involved in fighting the regime.¹¹⁸ Representatives of the Karen National Union, Restoration Council of Shan State, New Mon State Party, Pa-O National Liberation Council and Karenni National Progressive Party ("KNPP") met with the special envoy in Chiang Mai, northern Thailand.¹¹⁹ With the exception of the KNPP, all of the groups are signatories to the Nationwide Ceasefire Agreement.¹²⁰ Peace talks in Myanmar have been stalled since the military coup in February last year.¹²¹

A planned meeting between the Association of Southeast Asian Nations ("ASEAN") special envoy to Myanmar and the Peace Process Steering Team ("PPST"), a group of ten ethnic armed organizations was cancelled due to time constraints.¹²²

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