STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

APRIL 2022 REPORT

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

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I. Coup, Crackdown on Protests and Civilian Resistance

The National Unity Government ("NUG") stated on April 16 that local resistance groups and ethnic groups now control 50% of the country. In response, on April 19, the military issued an "emergency alert" to all of its units to prepare its troops for continued resistance attacks. A military spokesperson also announced on April 27 that the military regime plans to arm and support members of the public who are supporters of the military (referred to as a "public security system") in order to counter resistance groups.

The NUG has begun rewarding soldiers who defect and manage to destroy or steal military vehicles. The NUG promises that the defectors will receive the reward money on the same day and that such defectors will not be criminally prosecuted under the 1947 Public Property Protection Act.⁴ The largest reward is 1 billion kyats (approximately USD500,000) for anyone who steals a plane, helicopter or battleship from the military and hands it over to the resistance.⁵ Within the a week of the announcement, over two dozen inquiries were made with respect to the rewards.⁶

As more military officers defect, the country's military academy has been receiving far fewer applications for admission.⁷ The Defence Services Academy in Pyin Oo Lwin only received 22 applications last year, when it typically recruits at least 500 cadets annually.⁸

From April 10 to 16, around 300 troops raided villages along the Matupi-Paletwa Road.⁹ According to resistance groups, ten soldiers were killed and five were injured, while nearly 2,000 villagers have been displaced.¹⁰ From April 23-24, troops raided and destroyed nine villages in Wuntho Township, Sagaing Region.¹¹ More than 10,000 residents have been displaced as a result of these raids.¹² In late April, around 100 soldiers raided and torched 11 villages along the Muu River, causing more than 10,000 residents to flee and around 3,000 homes to be abandoned or destroyed.¹³

More than 30 soldiers were killed in two ambushes on April 18 in Pale Township, Sagaing Region.¹⁴ Around 20 troops were killed in Sagaing's Kalay Township on April 22.¹⁵

Nine young activists that are members of anti-regime protest groups were detained on April 4.¹⁶

Troops drove a vehicle into a crowd of around 30 protestors in Yangon on April 20 and collided with a car carrying three women who were involved in the protest. ¹⁷ Soldiers then detained the three women. ¹⁸

Members of the public participated in a boycott of the New Year Thingyan Water Festival by staying at home.¹⁹ The military regime tried to show a sense of normalcy by building stages and having celebrities perform throughout the festival, as well as by urging hotel and bar owners to host parties.²⁰ However, the streets were largely empty.²¹ Local people's defense forces issued public warnings against attending Thingyan celebrations, as there were plans for bomb attacks against such celebrations.²² On April 10, five sites in Bago were hit with bombs, including Thingyan festival stages, an administrative office and a gambling club.²³ From April 13 to 17, there were at least 20 bomb attacks in Yangon that targeted places such as housing and

bunkers for military personnel, bars and police stations.²⁴ Thingyan stages were also targeted in Ayeyarwady Region.²⁵

According to members of the Mandalay District National League for Democracy ("NLD"), military forces abducted and killed Soe Soe, the wife of the vice chairperson of the Mandalay NLD, during interrogations and left her body by the side of the road.²⁶ Her husband, Ko Ko Lay, reportedly died of a cerebral ischemia after receiving the news of his wife's death.²⁷ The military regime filed a sedition case against Ko Ko Lay after he joined anti-military rallies, and he and his wife had separately been in hiding ever since.²⁸

II. Political Developments

A. Rohingya Refugee Crisis

In early May, Isobel Coleman, Deputy Administrator for the United States Agency for International Development, will travel to Bangladesh, Thailand, and Laos.²⁹ While there, she plans to speak with ASEAN member countries regarding the ongoing humanitarian crises in the region, most notably the Rohingya refugee crisis.³⁰ She has stated that she hopes to align the priorities of the various ASEAN member states to increase their efforts in assisting the numerous Rohingya refugees from Myanmar scattered throughout the region.³¹

On April 20, six Rohingya refugees from Myanmar, including two children, were killed on a Malaysian highway while fleeing a riot at an immigration detention center in Malaysia.³² Malaysian authorities are still investigating the cause of the riot, but they reported that 582 Rohingya refugees had escaped from a detention camp and 362 had been rearrested.³³ While Malaysia is the favored destination of many Rohingya refugees fleeing persecution in Myanmar or refugee camps in Bangladesh, Malaysia does not recognize refugee status, and so thousands of Rohingya refugees have been detained in crowded detention centers ostensibly in an effort to stop the spread of the coronavirus.³⁴

B. Corruption

A court found former State Counselor Aung San Suu Kyi guilty of a corruption charge on April 27 and sentenced her to five years in prison.³⁵ Her total prison sentence is now 11 years. This charge was based on an allegation that Aung San Suu Kyi accepted a bribe of USD600,000 and 11.4kg of gold from a former chief minister of Yangon Region in exchange for favors for his business.³⁶ The European Union criticized the five-year jail sentence, calling it "another step towards the dismantling of the rule of law and a further blatant violation of human rights in Myanmar and yet another major setback for democracy in Myanmar."³⁷

The junta filed corruption charges against one of Myanmar's top tycoons, Chit Khine, his managing director and three ousted NLD government ministers for allegedly causing the loss of 15.9 billion kyats in state funds in the Tigyit power plant joint venture for the Electric Power Generation Enterprise under the then NLD-run Ministry of Electricity and Energy. Chit Khine is the chairman of the Eden Group of Companies, one of Myanmar's largest conglomerates, with interests in construction, hospitality and oil and gas among other sectors. He was arrested in Yangon upon his return from an overseas trip. Chit Khine also runs the Myanmar Apex Bank and Denko trading, which operates gas stations across Myanmar and an industrial oil storage

facility in Yangon.⁴¹ Chit Khine also reportedly has a close relationship with detained leader Aung San Suu Kyi and the NLD.⁴² Charged together with Chit Khine are the former Minister for Natural Resources and Environmental Conservation Ohn Win, former Minister for Electricity and Energy Win Khaing and deputy minister Dr. Tun Naing, the former managing director of No. (1) Mining Enterprise Kyaw San, the ex-managing director of the Electric Power Generation Enterprise Than Naing Oo, and the Eden Group's managing director Win Min Khine.⁴³ All of them face potential maximum prison sentences of 15 years.⁴⁴

C. International Community / Sanctions

In its annual report on human rights, the U.S. State Department found that there were credible reports that Myanmar security forces had committed human rights abuses, including torture and extra-judicial killings.⁴⁵ The military junta denounced the report and complained to the U.S. government, calling the report's findings "merely a propaganda tool."⁴⁶

U.S. President Joe Biden will host ASEAN leaders except for Myanmar junta leader Senior General Min Aung Hlaing at a summit in mid-May.⁴⁷ The Myanmar junta is barred from attending the summit in accordance with ASEAN's policy, because Myanmar has failed to make progress on ASEAN's peace plan and the junta continues to escalate violence against Myanmar citizens.⁴⁸

The U.S. House of Representatives passed the BURMA Act, which authorizes \$450 million in humanitarian aid over five years, expands sanctions authorizations and creates a coordinator position to oversee the U.S. policy on Myanmar.⁴⁹ The BURMA Act is under consideration by the U.S. Senate.⁵⁰

In mid-April, United Nations Special Envoy Noeleen Heyzer held meetings with representatives of Myanmar civil society organizations, during which the organizations raised several concerns regarding the human rights and humanitarian crises in Myanmar.⁵¹

Human rights organizations Human Rights Watch and Progressive Voice have denounced a meeting between Australia's outgoing ambassador to Myanmar and the junta chief, slamming the Australian ambassador's actions as lending credibility to the junta regime.⁵² Australia's foreign affairs department clarified that it does not consider the meeting as legitimizing the junta regime and that the ambassador used the meeting to reiterate calls for Myanmar to cease violence and release detainees.⁵³

III. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

Myanmar's regime handed down long prison sentences to seven women for allegedly donating cash to displaced people and people's defense forces.⁵⁴ The women, who allegedly donated money via the mobile wallet platform KBZ Pay, were charged with funding terrorism under the Counter-Terrorism Law.⁵⁵ Hsan Hsan Su, a striking teacher from Kanbalu Township in Sagaing Region was sentenced to 10 years in prison.⁵⁶ Three women from Thandwe in Rakhine State were given 10-year sentences.⁵⁷ Hsaung Hnin Phyu from Yebyu Township in Tanintharyi Region was given 10 years with labor for allegedly donating 13,500 kyats to a

resistance group and two university students from Dawei in Tanintharyi Region were given seven years in prison with labor for donating 5,000 kyats each to displaced people, according to the Dawei Political Prisoners' Network.⁵⁸

Around 100 political prisoners jailed in Sagaing Region's Monywa Prison were transferred in early April to other prisons.⁵⁹ A local resident said he saw prison authorities put up barricades across the roads to Monywa Prison, as the political detainees were reportedly transferred to Obo Prison and Myingyan Prison, both in Mandalay Region.⁶⁰ The transfer followed a fatal crackdown on an anti-regime protest in Monywa Prison on April 3, during which at least one inmate was killed and five others injured.⁶¹ On April 3, political prisoners and other detainees in Monywa Prison staged a loud protest against human rights violations and torture.⁶² Monywa's jail holds nearly 1,000 inmates, most of whom are political detainees.⁶³ Prominent protest leader Wai Moe Naing and ousted Sagaing Region Chief Minister Dr. Myint Naing are both being held at Monywa.⁶⁴

Political prisoners were not included in the 1,619 prisoners released by the junta to mark the Buddhist New Year.⁶⁵

B. Freedom of the Press and Censorship_

There have been no material updates since the prior report.

IV. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

Myanmar's military administration is moving to tighten control over movements of foreign currency. ⁶⁶ In a notification published in state media, the Central Bank of Myanmar ordered banks and other holders of foreign currency to convert their deposits into the local kyat currency. According to the notification, foreign currency earned by locals in Myanmar must be deposited in accounts at licensed banks and exchanged for kyat within one working day. The central bank said that absent a special exemption, transfers of foreign currency abroad can only be carried out via licensed Foreign Exchange Trading banks. Myanmar's military government exempted most overseas nationals and entities from compulsory conversion of foreign currencies after international push back. ⁶⁷ Businesses in the nation's three special economic zones are exempted from the order. The waiver will also apply to diplomats and their families, foreigners working for embassies, the United Nations and other development agencies and international civil society groups.

More than 500 civil and political organizations have warned China of possible attacks on its investments in Myanmar if Beijing maintains its ties with the military regime. In their open letter to Chinese President Xi Jinping, 558 civil society organizations, groups representing striking staff, academics, political parties, labor unions and parliamentarians said they feared Chinese investment would be targeted by resistance forces.

B. Economic Development—Infrastructure, Major Projects

On April 29, Thailand's oil and gas conglomerate PTTEP and Malaysia's Petronas announced that they will withdraw from the Yetagun gas project in Myanmar.⁶⁹ Petronas subsidiary Carigali holds a roughly 41% stake in the Yetagun project while PTTEP has a 19.31% share.⁷⁰ On May 2, Japanese energy conglomerate ENEOS Holdings said it will also withdraw from the gas project.⁷¹ Japan's Nippon Oil and Gas Exploration and Myanmar's junta-linked Myanmar Oil and Gas Enterprise hold the remaining stakes in the project.⁷²

C. Land Seizure

More than 547 houses and other properties belonging to alleged anti-regime activists have been seized by the junta since the coup began in February 2021.⁷³ Controversially, activists' property has been seized prior to guilty verdicts being issued in court, and the property of activists' relatives has also been targeted.⁷⁴

V. Peace Talks and Ethnic Violence

A. Ethnic Violence

Intensified armed clashes continued in southeastern Myanmar with incidents reported in Hpapun, Kawkareik, Myawaddy and Kyainseikgyi Townships in Kayin State, Kyaikhto Township in Mon State and Shwegyin Township in Bago Region. In Myawaddy Township, some 1,700 internally displaced persons ("IDPs") have arrived in Tak border villages after fleeing clashes which began at the end of March. In Kayin State, while some 1,500 IDPs have returned to their place of origin in Kawkareik Township, clashes have intensified in southern Kawkareik, resulting in new displacements. The Clashes also increased in Kayin, Mon and Kaya States and in Tanintharyi Region, with reports of the killing of civilians during airstrikes and shelling. In Palaw Township, Tanintharyi Region, some 1,000 IDPs living in displacements sites are reportedly in urgent need of food assistance.

In northwestern Myanmar, armed clashes also continue to displace families. ⁸⁰ The number of IDPs crossed the 300,000 mark in early April. ⁸¹ In Chin State, around 1,500 new displacements were reported in Kanpetlet Township. ⁸² Displacement numbers are expected to further increase as security operations and armed clashes continue. ⁸³

In Kachin and Shan States, the security situation remained tense and fighting continued in multiple townships. In urban areas such as Hpakant and Myitkyina, explosive devices continue to feature heavily in armed conflict incidents, while in more rural areas, such as Mohnyin, Mansi, Putao and Waingmaw, the use of artillery and airstrikes have continued.⁸⁴

The Tatmadaw restarted attacks in the Kokang region of northern Shan State on March 31 after nearly a month-long break. Although talks were held between the Myanmar Army and the Myanmar National Democratic Alliance Army ("MNDAA") in December, the agenda and results of the meeting were not disclosed, and both ground and air attacks by the junta's forces began again. 85

The Chinland Defense Force ("CDF") claimed that they killed 16 junta solders near Chanpyan Village in Matupi on April 1.86 On April 6, junta soldiers tasked with providing

security for a junta convoy advancing to Chin State's Matupi torched a hillside village called Ram Tein. Residents of Ram Tein and neighboring villages have fled into the forests for fear of junta raids. On April 8, the CDF claimed they killed five Myanmar junta soldiers in a clash 15 miles from Matupi Township in Chin State. Several soldiers were also injured in the clash. Have been displaced by fighting between junta troops and the CDF. Military regime forces raided villages along the Matupi-Paletwa Road between April 10 and 16 after the CDF ambushed junta reinforcements traveling the road. The resistance group said ten regime soldiers were killed and five others injured during the clashes, which also left a resistance fighter wounded. Residents from villages along the Matupi-Paletwa Road have fled into the hills for fear of retaliation and are in need of humanitarian supplies. However, local aid groups are struggling to assist them, as regime forces are blocking the routes into the hills.

Also in mid-April, Kayin rebels used heavy artillery to resist a push by Myanmar junta forces to take Lay Kay Kaw, Kayin State, which was established as symbol of peace in 2017 through a partnership between Japan's Nippon Foundation, the Myanmar government and the Karen National Union ("KNU") to house ethnic Kayin refugees returning home after decades of fighting between the military and armed ethnic groups. However, in recent months, Lay Kay Kaw has been the site of fierce fighting among the junta troops and their opponents. More than 10,000 villagers have been displaced since clashes first broke out in the area in December 2021. Myanmar soldiers launched airstrikes on Karen National Liberation Army and People's Defense Force fighters in Lay Kay Kaw on April 10, suffering a loss of about 20 soldiers and a captured captain, according to the KNU. The airstrikes damaged about 30 houses and a school in the town.

Around 300 troops from the Democratic Karen Benevolent Army defected to join the Karen National Defense Organization, the armed wing of the Karen National Union ("KNU"). 101

On April 6, the military reclaimed the Maw Khee base from Kayin forces, two weeks after fleeing from Myawaddy Township. According to a KNU spokesperson, at least 20 soldiers were killed on April 6. On April 10, a coalition of resistance groups killed 40 soldiers in Lay Kay Kaw, Kayin State. The military bombed the area with fighter jets at least 20 times, resulting in serious damage to homes and buildings in the area. Throughout the first two weeks of April, over 160 soldiers and 13 members of the KNU were killed in Kayin State.

B. Peace Talks

According to the Special Advisory Council for Myanmar, a human rights group made up of former United Nations experts on Myanmar, the ASEAN peace plan for Myanmar, known as the Five-Point Consensus, has not made significant progress over the last 12 months and has become a pretext for the international community to delay real action while waiting for ASEAN leadership. The peace plan was agreed by ASEAN leaders and junta chief Min Aung Hlaing on April 24, 2021. The plan calls, among other things, for an immediate cessation of violence against civilians by the regime and constructive dialogue between all stakeholders. However, the former UN experts say that ASEAN has only been able to ban Min Aung Hlaing from its meetings.

Lieutenant General Yar Pyae, chairman of the regime's National Solidarity and Peace Negotiation Committee, and Shan State Progress Party ("SSPP") leaders met in Naypyitaw on March 31.¹¹¹ The SSPP reports that it was told to withdraw its troops from southern Shan State and the SSPP rejected the request.¹¹² State media reported that the regime discussed deescalation of the conflict in Shan State and urged the SSPP to cooperate in development work ahead of a general election next year.¹¹³

Military leader Min Aung Hlaing invited leaders of ethnic armed organizations, such as the KNU and the Kachin Independence Organization, for peace talks "to end the armed conflict." Few ethnic armed organizations will likely attend, as groups such as the Karenni National Progressive Party, the KNU and the Chin National Front have announced their intentions to not attend the peace talks. 115

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