

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

MAY 2022 REPORT

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

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I. Coup, Crackdown on Protests and Civilian Resistance

As schools are scheduled to open in June, the regime has been publishing daily invitations for striking teachers to return to work.¹ The invitation is being sent to anyone who has not committed a serious crime, and the regime states that the teachers' absences will be considered unpaid leave.² According to the Education Ministry of the civilian National Unity Government, almost 80% of the country's teachers joined the Civil Disobedience Movement.³ Striking education staff are reportedly encouraging the continuation of the boycott.⁴

A group calling itself Thwe Thout launched "Operation Red" and is carrying out attacks and making death threats against the members and supporters of the National League for Democracy ("NLD"), the People's Defense Force ("PDF") and their families.⁵ In late April, members of Thwe Thout killed at least eight people weekly and by mid-May, those numbers rose to an estimated 20 people per week.⁶

On May 4, an estimated 200 soldiers conducted a military raid of an anti-regime defense force base in Madaya Township, Mandalay Region.⁷ Around 11 soldiers were killed, eight soldiers were injured and five members of the resistance were arrested.⁸ Burnt human remains were later found in a mango orchard in the area.⁹ The remains were believed to be of either military troops, resistance fighters or of villagers who were arrested a few days before.¹⁰

On May 12, a military outpost in Nyaungshwe Township, Shan State was attacked by two resistance groups.¹¹ Fifteen troops were killed and five were taken as prisoners.¹²

More than 6,000 houses in Sagaing Region were burned down this month.¹³ As of May 17, charred remains of 36 bodies have been found in Ye-U Township, Sagaing Region, after it was occupied by military forces.¹⁴ It is unknown whether these remains belonged to local residents, or people who may have been taken from elsewhere as hostages.¹⁵

Three villages in Yesagyo Township in Magway Region were attacked by regime troops on May 10.¹⁶ A week later, these troops moved to four villages along the Ayeryarwady and Chindwin rivers and torched houses in those villages.¹⁷

Around 50 troops raided a village and tortured villagers in Nyaung Yin on May 11 in search for Sa Lone, a leader of the PDF.¹⁸ Regime troops rounded up around 15 villagers and took them to a monastery, where they were tortured.¹⁹ Military forces torched three villages in Singu Township, Mandalay Region on May 17.²⁰ In Magwe Region, more than 1,300 houses across 28 villages were burned down this month.²¹

Military supporters who gathered for a pro-regime rally in Naypyitaw on May 16 were targeted in a bomb attack.²² Naypyitaw PDF claimed responsibility.²³ Around six people were injured and two vehicles were damaged.²⁴

II. Political Developments

A. Rohingya Refugee Crisis

On May 24, the UN Refugee Agency reported that 14 bodies of Rohingya refugees and children had washed up on a beach in the Patheingyi district of Myanmar.²⁵ A group of Rohingya refugees had allegedly left via boat from Sittwe in an attempt to flee to Malaysia when the boat capsized.²⁶ Thirty-five Rohingya refugees were rescued and 12 refugees are still missing.²⁷

B. Corruption

On May 4, a junta court rejected an appeal by Aung San Suu Kyi against her five-year sentence for corruption handed down on April 27.²⁸ Aung San Suu Kyi will challenge the latest decision in a higher court, expressing that she had “decided to continue till the end of the process to check the situation of the rule of law here.”²⁹ The appeal will be heard in the Union Supreme Court.³⁰ Before her corruption conviction, Aung San Suu Kyi had already been sentenced to six years in jail for various other charges.³¹ Appeals against those convictions are currently pending in the courts.³² Aung San Suu Kyi will remain under house arrest at an unknown location in Naypyitaw while she fights the other charges.³³

On May 2, Myanmar’s military regime filed two additional charges of corruption against Aung San Suu Kyi.³⁴ The complaint alleges that Maung Weik, property developer and owner of Sae Paing Construction Co, had given her about US\$550,000 in illegal payments between 2018 and 2020 to protect his businesses.³⁵

On May 25, relatives of Aung San Suu Kyi filed a complaint with the UN Working Group on Arbitrary Detention against her detention.³⁶ The complaint alleges that “[h]er arrest was illegal, her detention is devoid of any legal basis, and her different trials violate the basic rules governing any legal procedure.”³⁷ The complaint brands the various corruption charges as “farce charges.”³⁸

Bo Bo Nge, former deputy governor of Myanmar’s Central Bank, has been detained by the junta for more than a year and was formally accused of corruption by the military council on May 10. The corruption charge carries a prison sentence of 15 years.³⁹ Bo Bo Nge is accused of violating Section 55 of the Anti-Corruption Law for allegedly failing to tax a February 8, 2021 withdrawal of US\$1.4 million by Open Society Myanmar (“OSM”).⁴⁰ OSM’s finance manager was arrested by the junta in connection with the withdrawal.⁴¹ At the time the funds were withdrawn, Bo Bo Nge had already been removed from his post by the military council and was in junta custody.⁴² He was also blamed for reportedly failing to take advantage of optimal interest rates when Central Bank funds were deposited in private institutions and not enforcing reports on all foreign transactions over \$10,000.⁴³

In early May, the military council arrested the adult daughter of Mandalay’s incarcerated chief minister and vice-chair of the NLD, Zaw Myint Maung.⁴⁴ Zaw Myint Maung, who is being held in Mandalay’s Obo Prison, has been charged with several criminal offences by the military authorities, including five for corruption.⁴⁵ The junta’s corruption charges against Zaw Myint Maung allege that he accepted bribes on multiple occasions, including while he was hospitalized for leukemia in Bangkok, Thailand.⁴⁶ The chief minister is also accused of misusing funds in relation to the construction of NLD party offices in Myingyan and Pyin Oo Lwin.⁴⁷

On May 16, a junta court handed a 21-year prison sentence to Dr. Aye Zan, the Mon State's detained chief minister, on nine charges under the Anti-Corruption Law.⁴⁸ The charges include (i) a charge relating to the procurement of COVID-19 test kits; (ii) a charge involving a new NLD office building; (iii) a charge concerning the loss of 132 million kyats (over US\$71,000) due to a lower tax rate on sand mining; and (iv) six corruption charges related to the collection of funds from a sand-mining business in the Salween River for community development between 2018 and 2020.⁴⁹ Dr. Aye Zan's legal team will appeal the corruption charges.⁵⁰

The head of Yangon's General Administration Department, Soe Soe Zaw, was arrested along with a personal staff officer on May 16.⁵¹ The former chair of the Parliamentary Affairs Committee for Yangon's ousted regional parliament speculated that the arrest could be related to Soe Soe Zaw's professional ties to Hla Soe, the ousted junta-appointed head of Yangon Region's military council.⁵² The former chief minister was removed from his position earlier this year after the junta uncovered an alleged corruption case concerning a land development project in Dala Township.⁵³

On May 26, Myanmar's military regime detained and opened a corruption case against leading business owner Zin Min Aung, the major shareholder in the chain of Yangon Petrol ("YP") filling stations.⁵⁴ The Anti-Corruption Commission also filed corruption charges against ousted Yangon Region NLD figures, including energy minister Han Tun, mayor Maung Soe, vice-mayor Soe Lwin, Yangon City Development Committee secretary Hlaing Maw Oo and joint secretary Than, accusing them of involvement in Zin Min Aung's case.⁵⁵ The YP chain was established in 2019 as part of then-Yangon Region chief minister Phyo Min Thein's plan to bring down fuel prices.⁵⁶ It was reported that YP bought state-owned land from the regional government at 2,000 kyats per square foot, far below the market rate.⁵⁷ In return, YP filling stations were expected to sell at lower prices.⁵⁸ A petrol industry source in Yangon said that Zin Min Aung's arrest is connected with YP's acquisition of land.⁵⁹ The Anti-Corruption Commission reported that the regional government allowed 63 acres in Dagon Township to be registered under the ownership of a YP director, who allegedly sold the land to a private company for 6.5 billion kyats.⁶⁰

Four senior officials have requested that the military council take action against the head of the public health department in Naypyitaw, Dr Myint Myint Than, for allegedly forcing staff to work overtime and carry out chores in her household, as well as soliciting bribes from pharmaceutical companies and misappropriating funds.⁶¹ An official in the department of public health stated that the Anti-Corruption Commission is investigating the complaint.⁶² The complaint alleges that Myint Myint Than misused funds for health initiatives, falsified expense reports and sold surplus medications and supplies for profit.⁶³

C. International Community / Sanctions

The Association of Southeast Asian Nations ("ASEAN") held a meeting on May 6 regarding a new effort to organize humanitarian assistance for Myanmar.⁶⁴ The meeting is part of an attempt to revive the "five-point consensus" for restoring democracy in Myanmar, which has garnered little momentum.⁶⁵ The United Nations Special Envoy for Myanmar was blocked

by the junta from attending the meeting.⁶⁶ Myanmar’s shadow National Unity Government (“NUG”) criticized ASEAN’s decision to provide humanitarian aid via the junta.⁶⁷

Leaders from ASEAN met with US President Biden in the United States for a two-day summit in mid-May, where the shadow NUG was symbolically represented with an empty chair.⁶⁸ Although the shadow NUG government was also invited to the United States and met with the Deputy Secretary of State, it did not represent Myanmar during the ASEAN talks.⁶⁹

The UN Security Council failed to agree on a statement that would have called on Myanmar’s junta to take steps toward a peaceful solution to the country’s ongoing crisis.⁷⁰ The draft text was drafted by China and the United Kingdom, who each blamed the other for the failure of negotiations.⁷¹

Australia downgraded its diplomatic ties with Myanmar, replacing its ambassador with a lower-ranking representative who has not yet been permitted to travel to Myanmar.⁷² In response, Myanmar threatened to downgrade its diplomatic ties with Australia.⁷³

III. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

According to Amnesty International, at least 86 death sentences have been issued since February 2021, mainly against people opposing the regime.⁷⁴ Previously, the average was less than ten death sentences per year.⁷⁵ Amnesty International describes most of the death sentences as arbitrary and handed down without the defendant present.⁷⁶ Amnesty International also notes that civilian cases were transferred to military courts in un-appealable summary proceedings and many defendants were unable to access legal representation.⁷⁷

B. Freedom of the Press and Censorship

Lwin Oo publishing house had its publishing license revoked on May 28 as a result of publishing a book about the military crackdown on the Rohingya community in 2017.⁷⁸ The book covers the history of the Rohingya community and the abuses against it, including reports of murder, rape and arson.⁷⁹ The sale of the book allegedly “violated the publishing and printing law,” which forbids expressions that could cause “racial and cultural violence between ethnic groups.”⁸⁰

IV. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

Japanese energy conglomerate ENEOS Holdings (“ENEOS”) announced that it will withdraw from the Yetagun gas project in Myanmar, days after its Thai and Malaysian partners announced they would pull out.⁸¹

Myanmar’s military regime has cancelled tenders that the NLD government invited for 26 solar power projects. The military regime also blacklisted several winning companies for breaching tender regulations.⁸² A letter from the Electricity Supply Enterprise reveals that

among the companies blacklisted are Sungrow Power Supply Co, Consortium of SPIC Yunnan International Power Investment Co, Khaing Lon Gem, China Machinery Engineering Corporation, Consortium of Shwe Taung Development Co & GCL System Integration Technology, Consortium of China Gezhouba Group Oversea Investment Company and Future Energy Company Limited and Xi'an LONGi Clean Energy Company. Tender winners were announced in October 2020, but Chinese firms have repeatedly postponed signing the power purchase agreements after the military seized power on February 1, 2021.

Chinese mining firm Wanbao has expressed “deep concerns” in response to threats from resistance groups fighting Myanmar’s military regime.⁸³ In partnership with the military-owned Myanma Economic Holdings Ltd, Wanbao operates three copper mines, Letpadaung, Sabetaung and Kyesintaung, in Salingyi Township, Sagaing Region. Following the warning from resistance groups in April, the regime has increased security at the mines and imposed tighter restrictions on residents. Wanbao is a subsidiary of the Chinese state-owned defense firm, China North Industries Corporation. In July 2021, the U.S. sanctioned Wanbao Mining for supporting Myanmar’s regime and the UK also banned the trade of copper from the mines on the London Metal Exchange.

Myanmar’s Central Bank has ordered ministries and local governments not to use foreign currencies for domestic transactions to help relieve pressure on the kyat.⁸⁴

B. Economic Development—Infrastructure, Major Projects

On May 2, days after its Thai and Malaysian partners announced they would withdraw from the Yetagun gas project, Japanese energy conglomerate ENEOS Holdings said it will also pull out of the project.⁸⁵

C. Land Seizure

There have been no material updates since the prior report.

V. Peace Talks and Ethnic Violence

A. Ethnic Violence

The Karenni Nationalities Defense Force ambushed a military convoy of around 20 vehicles on May 7.⁸⁶ Twenty-five soldiers were killed and four army vehicles were destroyed.⁸⁷

In early May, two Shan youth activists were forced by junta troops to transport soldiers in their truck to Lashio on the Muse highway. The activists were killed in a roadside ambush by TNLA troops on May 4.⁸⁸ At least ten troops were also killed in the attack.⁸⁹

On May 9, the Chin Defense Force-Mindat (“CDF-Mindat”) said it attacked a junta convoy returning from Matupi in Chin State, killing around 10 soldiers and injuring another 20 soldiers.⁹⁰ Fierce fighting also occurred in Demoso Township, Kayah State between May 8-10, which resulted in 12 killed junta soldiers and several injured resistance fighters.⁹¹

On May 12, the Pekon PDF and Karenni Nationalities Defense Force attacked a junta outpost at Hti Yi village in Nyaung Shwe Township, southern Shan State.⁹² After 90 minutes of fighting, the regime position was seized, 15 soldiers were killed and five were captured.⁹³ Two Pekon PDF fighters were injured and one is in a critical condition.⁹⁴ Fighting between Myanmar's junta and resistance forces in Kayah and Shan States continued in southern Shan State for more than two weeks, resulting in 20,000 refugees from 35 villages in the Township to flee their homes, according to the Karenni Refugee Supporting Network.⁹⁵ Junta artillery and airstrikes were heavily used and an estimated six resistance troops and 25 regime soldiers were killed, according to Pekon PDF.⁹⁶

Independent research group, Data for Myanmar, said approximately 1,147 houses in Chin State, about 407 houses in Kayah State and dozens of others in Mandalay, Tanintharyi, Bago, Kayah and Kachin were torched by regime forces from February 1, 2021, to April 30, 2022.⁹⁷ In early May, the junta burned down seven civilian homes in northern Chin State in retaliation for Chinland Defense Force killing at least 13 junta soldiers.⁹⁸

Armed clashes across Myanmar continue to generate displacement.⁹⁹ According to the UN, as of May 30, there were an estimated 1,037,800 internally displaced persons ("IDPs") across Myanmar, including 691,200 newly displaced since February 1, 2021.¹⁰⁰

Armed clashes continued in Chin, Kayin, Mon, Kayah, and Shan States and indiscriminate attacks against civilians resulting in deaths and casualties were reported, as well as burnings of homes and villages, house searches, arbitrary arrests and detentions.¹⁰¹ IDPs and host communities continue to face shortages of food and goods due to restrictions on access, movement and transport.¹⁰²

B. Peace Talks

Last month, military chief Min Aung Hlaing extended an invitation for peace talks to ethnic armed organizations. The acting president of the NUG, Duwa Lashi La, warned ethnic armed organizations not to accept the junta's invitation to peace talks, saying military regimes rarely keep their promises.¹⁰³ In his invitation, Min Aung Hlaing said he would talk to ethnic armed organization leaders "openly and sincerely for the sake of peace."¹⁰⁴ Several ethnic armed organizations, including the Karen National Union, the Kachin Independence Army, the Karenni National Progressive Party, and the Chin National Front, rejected the offer.¹⁰⁵

The Restoration Council of Shan State ("RCSS") released a statement on May 12 accepting the invitation. The RCSS statement reiterated its goal to develop a federal union that assures self-determination and equality, and highlighted the importance of dialogue to bring about peace, modernization and a developed nation.¹⁰⁶ On May 20, Min Aung Hlaing met with General Yawd Serk, chairman of the Restoration Council of Shan State/Shan State Army-South.¹⁰⁷ The New Mon State Party ("NMSP") held talks with Min Aung Hlaing on May 23.¹⁰⁸ The NMSP was criticized by the Mon community for attending such talks.¹⁰⁹

The meeting series will also be attended by seven of the ten signatories to the Nationwide Ceasefire Agreement ("NCA") including the RCSS, the NMSP, the Karen National Union/Karen National Liberation Army – Peace Council, the Democratic Karen Benevolent Army, the

Arakan Liberation Party, the Pa-O National Liberation Organization and the Lahu Democratic Union.¹¹⁰ Non-NCA signatories such the Shan State Progress Party, the United Wa State Army and the National Democratic Alliance Army will also attend the talks.¹¹¹

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