

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

JULY 2022 REPORT

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

- I. Coup, Crackdown on Protests and Civilian Resistance.....2**
- II. Political Developments.....3**
 - A. Rohingya Refugee Crisis.....3**
 - B. Corruption.....3**
 - C. International Community / Sanctions.....4**
- III. Civil and Political Rights.....4**
 - A. Freedom of Speech, Assembly and Association.....4**
 - B. Freedom of the Press and Censorship.....5**
- IV. Economic Development.....5**
 - A. Economic Development—Legal Framework, Foreign Investment.....5**
 - B. Economic Development—Infrastructure, Major Projects.....5**
 - C. Land Seizure.....5**
- V. Peace Talks and Ethnic Violence.....6**
 - A. Ethnic Violence.....6**
 - B. Peace Talks.....7**

I. Coup, Crackdown on Protests and Civilian Resistance

On June 29, a regime court in Mandalay sentenced a National League for Democracy (“NLD”) lawmaker to three years in prison for incitement.¹ Win Mya was accused of organizing anti-regime protests in Mandalay in February 2021 following the coup and encouraging government employees to leave their jobs.²

Myanmar’s military junta executed former NLD lawmakers Ko Phyo Zeya Thaw, Ko Aung Thura Zaw and Ko Hla Myo Auung and veteran democracy activist Ko Jimmy for their anti-regime activities.³ The death sentences are widely viewed as an act of revenge by the junta against opponents of its rule.⁴ Condemnation and outrage at the executions has poured in from numerous sources within Myanmar and abroad.⁵ The National Unity Government (“NUG”) said, “For this atrocious act of brutality, the NUG pledges to take a systematic approach to any legal and political routes available, be it national, international and military, to get legal retribution for the unlawful deaths and punish those responsible.”⁶ The executions were the first political dissidents to be executed since 1976.⁷ The day after the executions, the NUG, ethnic armed groups and the NLD declared in a joint statement that the resistance against the junta has entered a final phase and that they will escalate the fight against the regime.⁸ The ethnic armed groups participating in the statement included the Karen National Union, the Karenni National Progressive Party, the Chin National Front and the All Burma Students Democratic Front.⁹ The NUG additionally called on the international community to recognize the NUG as the legitimate government and requested that the international community provide technical support, weapons, ammunition and financing to defeat the regime.¹⁰

A junta court inside Naypyitaw Prison sentenced former Union Election Commission (“UEC”) chairman, Hla Thein, and two former UEC members, Myint Naing and Than Htay, to three years in prison.¹¹ The former NLD officials were charged under Section 130(a) of the Penal Code for alleged violations of electoral laws during the 2020 general election.¹² Under the junta regime, the UEC has charged and fined over 2,400 members of the former election body, citing alleged fraud in the 2020 general election.¹³

Ousted Mandalay Regional Chief Minister Dr. Zaw Myint Maung was also sentenced to an additional three years in prison under Article 130(a) of the Penal Code in connection with electoral fraud charges.¹⁴ Dr. Zaw Myint Maung now faces a total of 29 years in prison after being convicted of corruption and electoral fraud charges.¹⁵

Former State Counselor Aung San Suu Kyi denied electoral fraud charges at a closed trial inside Naypyitaw Prison, where she has been held since late June.¹⁶ She told the prison court that she denied charges filed under Article 130(a) of the Penal Code accusing her of influencing the election commission ahead of her landslide victory in the November 2020 general election.¹⁷ Detained President Win Myint and Union Government Office Minister Min Thu are codefendants in the trial.¹⁸

Two NLD members who were detained by the regime in late June alongside party lawmaker Kyaw Myo Min were found dead near a village in Mon State’s Bilin Township on July 2.¹⁹ Pan Myint and Ko Ko Maung were captured along with Kyaw Myo Min, and arms and ammunition were reportedly seized from them after then encountered junta troops near the

village of Lel Ka Te on June 22.²⁰ A local resistance fighter said they were detained, beaten during interrogation and shot dead.²¹ Kyaw Myo Min was also found dead a few days later on July 6 with wounds on his face and legs.²² No gunshot or stab wounds were found on his body.²³

Another member of the NLD, Ko Hla Htoo, has died under regime interrogation.²⁴ Ko Hla Htoo was detained by police and soldiers on July 23 and is accused of supporting armed resistance to the regime.²⁵ He was allegedly tortured to death at a military interrogation center.²⁶ The regime maintains that Ko Hla Htoo died of a heart attack.²⁷

Since the coup, 701 NLD members, including the party's chairperson, Myanmar State Counselor Aung San Suu Kyi, and vice chairman, President Win Myint, as well as Dr. Zaw Myint Maung have been detained.²⁸ Ninety-eight of them are elected lawmakers, according to data released by the NLD.²⁹

Myanmar's military regime has arrested at least 10 more lawyers in recent weeks who are defending prominent NLD figures and anti-regime protestors, bringing the total number of lawyers detained since the coup to at least 42.³⁰ Of them, over 30 lawyers remain behind bars and many have been charged with incitement or terrorism.³¹

Detained anti-regime protest leader Ko Wai Moe Naing was forced to mount his own legal defense against charges in connection with anti-regime activities after both of his lawyers were unable to attend his trial.³² One lawyer was detained and the other has been in hiding for over a month after the junta issued an arrest warrant.³³ Ko Wai Moe Naing was beaten and arrested in April last year for leading anti-regime protests in Monywa, Sagaing Region, following the coup.³⁴

II. Political Developments

A. Rohingya Refugee Crisis

The International Court of Justice ("ICJ") ruled in July that The Gambia's case accusing Myanmar of genocide against the Rohingya can move forward, rejecting all of Myanmar's objections to the case.³⁵ Human Rights Watch encouraged governments concerned with the situation in Myanmar to support The Gambia's ICJ case through formal interventions to bolster the legal analysis.³⁶

On July 14, the National Investigation Agency, a premier Indian investigation agency, shed light on a human trafficking network that trafficked Rohingya girls from refugee camps in Bangladesh to India.³⁷ The Indian investigation has resulted in the arrest of fifteen people, including the alleged mastermind of the operation.³⁸ Due to the poor conditions of the refugee camps in Bangladesh, many Rohingya are at risk of human trafficking as they seek better opportunities in India.³⁹

B. Corruption

There have been no material updates since the prior report.

C. International Community / Sanctions

On July 10, U.S. Secretary of State Antony Blinken spoke at a news conference in Bangkok during a tour of Asia and met with six youth leaders from Myanmar.⁴⁰ Throughout the trip, Secretary Blinken called on China and other ASEAN countries to do more to hold Myanmar accountable to the “five-point consensus” peace agreement and pressure Myanmar’s military government to return to democratic rule.⁴¹ He also said that leaders “are committed as ever to building a democratic future.”⁴²

After an on-the-ground investigation in conflict-affected parts of Kayah (Karenni) State, Amnesty International concluded that the Myanmar military is committing war crimes by laying antipersonnel landmines on a massive scale in and around villages in the state.⁴³ Antipersonnel landmines are inherently indiscriminate and their use is internationally banned.⁴⁴ The landmines laid by the Myanmar military have killed and seriously injured civilians and will have significant long-term consequences, including on displaced people’s ability to return home and to farm their lands.⁴⁵ According to Amnesty International, the military has placed them in people’s yards, homes, and even stairwells, as well as around a church. The Karenni Human Rights Group has documented at least 20 civilians killed or seriously injured by landmines in Kayah State since June 2021.⁴⁶ According to activists, local aid workers, and local civilians, the military’s use of landmines has soared in recent months, especially as they retreat from certain areas.⁴⁷

The United Nations Security Council condemned the Myanmar junta’s execution of four political prisoners and called for the immediate release of Aung San Suu Kyi. The statement was endorsed by both China and Russia and represents a rare consensus on the post-coup crisis.⁴⁸ France and Germany also summoned their respective Myanmar ambassadors in protest of the executions.⁴⁹

U.S. President Biden signed a bill in July that opened the way for sanctions to be imposed against governments that unjustly imprison U.S. citizens; Myanmar was identified in the initial group of nations that pose a detention risk for U.S. citizens.⁵⁰

III. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

A transgender prisoner detained in Sagaing Region’s Monywa Prison for anti-junta activities has been sexually abused by a prison officer, Zaw Zaw Aung (also known as Paline), on June 30, according to LBCT Alliance-Myanmar.⁵¹ The prisoner has also reportedly been forced to wear male clothing while in jail.⁵² The LBCT Alliance-Myanmar issued a statement condemning the sexual assault and said it would report the case to the International Committee of the Red Cross (“ICRC”) and request its intervention.⁵³ Prison visits by the ICRC have been suspended since March 2020 due to the COVID-19 pandemic.⁵⁴

Myanmar’s military regime says it has arrested the founder and two teachers of Kaung For You Education, an online school for students boycotting junta schools, forcing the school to temporarily close.⁵⁵ The regime said the three disturbed public education by running the online school, which was affiliated with the NUG, considered a terrorist organization by the regime.⁵⁶

The regime also claims the three used public donations for their personal benefit, threatened to release personal details about parents and teachers and that they were detained at a brothel.⁵⁷ The claims were dismissed as propaganda by the NUG’s education ministry and educational groups.⁵⁸ The junta has since arrested more teachers affiliated with Kaung For You with unconfirmed reports of around 25 arrests.⁵⁹ The Basic Education Student Affairs Federation said around 20 teacher arrests had been confirmed.⁶⁰

B. Freedom of the Press and Censorship

A Japanese documentary videographer, Toru Kubota, was detained in Yangon near an anti-junta rally along with two Myanmar citizens.⁶¹

IV. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

Ooredoo, a Qatari telecoms company and the last foreign telecoms operator in Myanmar, announced that it is planning to sell its Myanmar unit and leave the country.⁶² Although many nations have pulled out of Myanmar, Russia’s Rosatom recently signed a nuclear energy development deal with Myanmar’s junta government.⁶³

French company TotalEnergies said that it has definitively withdrawn from Myanmar.⁶⁴ TotalEnergies said, “This withdrawal was made in compliance with the European sanctions put in place in February 2022.”

B. Economic Development—Infrastructure, Major Projects

On July 4, Chinese State Councilor and Foreign Minister Wang Yi attended the seventh Lancang-Mekong Cooperation (“LMC”) Foreign Ministers’ Meeting in Bagan, Myanmar.⁶⁵ During the meeting, China proposed six cooperative programs involving agriculture, water resources, digital economy, aerospace, education and public health. In early June, the Chinese Embassy announced that a feasibility study for the Wan Pong Port upgrade project had been completed with the support of the LMC Special Fund.⁶⁶ Furthermore, under the LMC, the resumption of hydropower plants on the Salween River and the incorporation of so-called development projects of the Salween basin into the Greater Mekong Project continue to be priorities for China.⁶⁷ At least seven dams along the Salween River are planned, including mega dams in Shan State, among which the 7,000-megawatt Mong Tan Dam will be the largest hydropower dam in the country.⁶⁸

C. Land Seizure

There have been no material updates since the prior report.

V. Peace Talks and Ethnic Violence

A. Ethnic Violence

More than 40 Myanmar regime soldiers and 11 People's Defense Force ("PDF") members were killed during an intense clash following an attempt by a force comprising members of the Karenni Nationalities Defense Force ("KNDF"), the Karenni Army (the armed wing of the Karenni National Progressive Party) and two PDF groups to raid military outposts in Pekon Township, Shan State on July 4.⁶⁹ Since mid-June, regime forces and ethnic Karenni resistance forces have been engaged in heavy clashes in Hpruso, Demoso and Loilin Lay townships in Kayah State and Pekon Township in neighboring Shan State.⁷⁰ The KNDF also reported a total of 30 clashes occurred in Kayah State killing 25 regime troops in June.⁷¹ Due to the junta's arson attacks and shelling, 12 houses and two religious buildings were destroyed, five civilians were killed and 22 others were injured, the KNDF said.⁷²

The Kachin Independence Army ("KIA") and a local branch of the PDF clashed with regime forces in Mongmit Township, an area in northern Shan State where fighting between the Shan State Progress Party and the military has been ongoing since early July.⁷³

According to a local source, fighting broke out in Mongmit Township, northern Shan State for an hour and a half on the morning of July 10.⁷⁴ According to this source, five soldiers were wounded, one soldier was killed, one KIA fighter was killed and one PDF fighter was killed in battle.⁷⁵

Later in July, a 12-year-old was killed and another civilian injured by gunfire during fighting between the KIA and regime forces in northern Shan State.⁷⁶

On July 20, Myanmar's regime troops killed a six-year-old boy and his parents in Mong Hsu Township, southern Shan State.⁷⁷ Sai Thiha, Nan Seng Lu and their son were shot near a junta outpost on Mong Hsu-Tangyan road while they were driving back to their village from Mong Hsu town, according to a local resident.⁷⁸ Another Mong Hsu resident said there have been several civilians shot dead by armed groups in Mong Hsu, but no organizations claim responsibility for the killings.⁷⁹

On July 21, Myohla PDF in Kachin State ambushed infantry troops from Battalion 601 in Shwegu Township, according to the resistance group and the Kachin media.⁸⁰ The group claimed to have killed or injured around 30 soldiers while a PDF leader was killed.⁸¹

Also on July 21, Pekon PDF and the KNDF raided a junta camp on a hill in Pekon Township, southern Shan State.⁸² During an hour of fighting, nine regime soldiers were killed or injured and no resistance fighters were hurt, said Pekon PDF.⁸³ Resistance fighters retreated amid junta shelling from Pekon town, which led to villagers leaving their homes, the group said.⁸⁴

There was fighting in southern Shan State's Moebye town between junta armed forces and a coalition of local defense forces on July 25.⁸⁵ According to the Moebye PDF, one of the defense force fighters involved in the fighting and at least 10 junta soldiers were killed and one

defense force fighter was injured.⁸⁶ According to locals, one woman was also killed by artillery fire and two other civilians were injured.⁸⁷

B. Peace Talks

In early July, China's foreign minister called for the junta to hold talks with its opponents during his visit to Myanmar.⁸⁸ Cambodian and Thai delegations met with the junta to discuss ways to aid the Myanmar junta's current "peace talks" and the establishment of stability in the country.⁸⁹

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- ⁶ The Irrawaddy, July 26, 2022:
- ⁷ *Id.* <https://www.irrawaddy.com/news/burma/myanmar-civilian-govt-vows-junta-will-face-justice-for-activist-hangings.html>.
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- ¹⁰ The Irrawaddy, July 29, 2022: <https://www.irrawaddy.com/news/burma/myanmars-civilian-acting-president-demands-international-arms-assistance.html>.
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- ¹³ *Id.*
- ¹⁴ The Irrawaddy, July 21, 2022: <https://www.irrawaddy.com/news/burma/myanmar-junta-gives-nld-chief-minister-extra-three-years-in-prison.html>.
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- ¹⁶ The Irrawaddy, July 15, 2022: <https://www.irrawaddy.com/news/burma/myanmars-aung-san-su-kyi-denies-electoral-fraud-charges.html>.
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- ¹⁸ *Id.*
- ¹⁹ The Irrawaddy, July 4, 2022: <https://www.irrawaddy.com/news/burma/nld-members-found-dead-with-signs-of-torture-after-detention-by-myanmar-troops.html>.
- ²⁰ *Id.*
- ²¹ *Id.*
- ²² The Irrawaddy, July 7, 2022: <https://www.irrawaddy.com/news/burma/nld-lawmaker-found-tortured-to-death-after-detention-by-myanmar-regime-troops.html>.
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- ²⁴ The Irrawaddy, July 26, 2022: <https://www.irrawaddy.com/news/burma/nld-member-killed-during-myanmar-junta-interrogation.html>.
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- ²⁶ *Id.*
- ²⁷ *Id.*
- ²⁸ The Irrawaddy, June 30, 2022: <https://www.irrawaddy.com/news/burma/myanmar-regime-jails-nld-lawmaker-for-incitement.html>.
- ²⁹ *Id.*
- ³⁰ The Irrawaddy, July 11, 2022: <https://www.irrawaddy.com/news/burma/myanmar-junta-has-arrested-over-40-lawyers-defending-political-detainees.html>.
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- ³⁴ *Id.*
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- ⁴⁰ VOA. July 11, 2022: <https://www.voanews.com/a/blinken-meets-with-burmese-youth-leaders-in-bangkok-/6654420.html>
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- ⁵⁴ *Id.*
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