

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

SEPTEMBER 2022 REPORT

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

- I. Coup, Crackdown on Protests and Civilian Resistance.....2**
- II. Political Developments.....4**
 - A. Rohingya Refugee Crisis.....4**
 - B. Corruption.....5**
 - C. International Community / Sanctions.....5**
- III. Civil and Political Rights.....6**
 - A. Freedom of Speech, Assembly and Association.....6**
 - B. Freedom of the Press and Censorship.....7**
- IV. Economic Development.....7**
 - A. Economic Development—Legal Framework, Foreign Investment.....7**
 - B. Economic Development—Infrastructure, Major Projects.....7**
 - C. Land Seizure.....7**
- V. Peace Talks and Ethnic Violence.....8**
 - A. Ethnic Violence.....8**
 - B. Peace Talks.....9**

I. Coup, Crackdown on Protests and Civilian Resistance

Myanmar's civilian National Unity Government ("NUG") said that its People's Defense Forces ("PDFs") and allied ethnic armed groups have effective control of more than half of the country after a year of waging a defensive war against the military regime.¹ The NUG said it has formed over 300 PDF battalions nationwide, while other township public defense forces have been formed in 250 townships out of 330 across the country.² Public administration and judicial systems have been established by the NUG in 25 townships, which are completely controlled by resistance forces.³ Education, health, municipal and social services have also been established by the NUG.⁴

The NUG also said that at least 3,010 civilians have been killed by Myanmar troops over the past 11 months.⁵ In a report, the NUG stated the junta committed 6,305 assaults on civilians from September last year to August this year.⁶ Sagaing Region suffered the most with 1,923 attacks, followed by Magwe with 864 and Yangon with 601.⁷

More than 200 people have died in military regime custody since the military coup began, according to Burma Human Rights Network, a UK-based human rights watchdog.⁸ Many of the victims were members or supporters of the National League for Democracy ("NLD") and were tortured to death during interrogations.⁹

On September 16, regime military helicopters opened fire on a school in Let Yet Kone village in Depayin Township, Sagang Region.¹⁰ At least 12 people, including seven children, have been confirmed killed in the attack.¹¹ The NUG said the massacre is clear evidence that the junta is openly and continuously contravening international humanitarian law and committing war crimes.¹²

The NUG rejected Save the Children's recent statement calling on both resistance groups and regime troops to refrain from using schools for military purposes.¹³ The statement notes that the number of attacks on schools in Myanmar in 2021 increased to over 190 and that both the Myanmar military and resistance groups used education facilities primarily as bases but also as detention sites, to store weapons and as fighting positions.¹⁴ The NUG said the statement could lead to international misunderstanding over the battle to end dictatorship in Myanmar.¹⁵ "It is extremely dangerous to put two starkly different degrees of violation in the same tone as though both parties committed the crime equally, and that could result in the international misinterpretation of the Myanmar people's rejection of the junta and demand for federal democracy," the NUG said.¹⁶

A leaked copy of a speech Chief Min Aung Hlaing gave at a meeting between top military officials in June reveals that the military is struggling to cope with heavy losses from recent clashes with resistance groups¹⁷ and has been unable to restore troop numbers due to low recruitment.¹⁸ The NUG estimates that since September 2021, over 20,000 military troops have died, compared to 1,500 resistance fighters.¹⁹ In order to strengthen its numbers, the military has been discreetly arming Naypyitaw villagers who are loyal to the regime.²⁰ The military has also been preventing officers from retiring, such as officers in the regime-affiliated Border Guard Force in Kayin State.²¹

Two police officers assigned to the Letpaduang copper mine in Salingyi Township, Sagaing Region surrendered to resistance groups on September 12, saying that they could no longer stand the military regime's oppression of locals.²² In addition, several soldiers have surrendered to the Arakan Army ("AA") as AA has been gaining an upper hand in battles across northern Rakhine and southern Chin States.²³

In addition to low recruitment, the military has also lost an international military training opportunity. Japan's defense ministry announced on September 22 that it will stop training members of Myanmar's military due to the Myanmar military regime's executions of pro-democracy activists.²⁴ The Myanmar military personnel currently receiving training in Japan will complete their training program, but no new applications will be accepted.²⁵

According to the Civil Defense and Security Organization of Myaung, a coalition of local resistance groups, the military targeted an internally displaced persons ("IDP") camp in Myaung Township, Sagaing Region.²⁶ Two civilians were killed and three were injured by artillery shells.²⁷ In early September, the military announced that all IDP camps in northern Shan State must close by the end of October, leaving displaced members of the public with nowhere to go, as most of their homes are either destroyed or are still in areas of intense conflict.²⁸

Military-appointed officials have recently been targets of bomb attacks. On September 1, a bomb in Maha Aungmyay Township in Mandalay injured four people, including a military-appointed public communications officer.²⁹ Two bombs were detonated at transport administration offices in Lashio Town, northern Shan State on September 18 and 19³⁰ and a similar bombing also took place in Pyay District, Bago Region on September 25.³¹ Army bases have also been targeted in bomb attacks. On September 22, an army base in Demoso Township, Kayah State was hit by a series of bomb explosions and is reported to have suffered extensive damage.³²

Around 25 soldiers died when resistance forces attacked a military convoy in Yinmarbin Township, Sagaing Region on September 19. Mandalay PDFs attacked a convoy that was transporting vehicles on September 29, resulting in the deaths of two police officers and the rescue of two political prisoners.³³ On the same day, more than 20 military personnel were killed in clashes with resistance forces across multiple regions and states around the country.³⁴

More than 60 soldiers and 13 members of resistance groups died in clashes against the PDF in Moebye town, Shan State that took place from September 8 to 11.³⁵ A child and around 30 military soldiers were reportedly killed in a clash that took place in Moebye on September 8, according to the Karenni Nationalities Defense Force.³⁶ On September 17, Myanmar forces reportedly used around 100 civilians as human shields during a raid.³⁷ By the time resistance fighters returned to Moebye on September 18, civilians who were unable to flee were being forced to clean and cook the soldiers' meals.³⁸

Around 150 soldiers raided more than ten villages in southern Myaung on September 3 and 4.³⁹ At least 15 residents were captured, forced from their homes and interrogated.⁴⁰ One resident was hospitalized after being beaten and tortured.⁴¹ On September 21, around 70 soldiers raided western Khin-U Township, Sagaing Region, resulting in the displacement of thousands of locals.⁴² Over 20,000 villagers fled their homes in Seikphyu Township, Magwe Region amid

military raids and attacks on 16 villages.⁴³ Troops have torched more than 59 homes since September 15.⁴⁴

A child was killed and other residents seriously wounded in shelling by the Myanmar regime on two villages in Shwegu Township, Kachin State on September 22.⁴⁵ The shelling came after a resistance attack on military soldiers by the Shwegu PDF.⁴⁶ Regime troops also occupied the villages and stopped male residents from leaving.⁴⁷

Five villagers were killed on September 25 and 20 others went missing during a junta raid in Sagaing Region's Wetlet Township, according to residents.⁴⁸ Around 150 villagers who were unable to flee are reportedly being held for questioning.⁴⁹

Myo Myo Kyaw, an NLD member of the Kachin State parliament, was killed at a military interrogation center in Myitkyina, Kachin State.⁵⁰ He was arrested at a checkpoint at the entrance of Myitkyina on August 24 after military troops found treasury bonds issued by the NUG on his phone along with photos related to the PDF resistance groups.⁵¹ Relatives and colleagues said Myo Myo Kyaw died at the interrogation center after being tortured.⁵²

Former State Counselor Aung San Suu Kyi, former President Win Myint and former Union Government Office minister Min Thu were each sentenced to three years of hard labor in prison on September 2 for alleged election fraud during the 2020 elections.⁵³ On September 29, Aung San Suu Kyi and her Australian economic advisor Sean Turnell were sentenced to an additional three years in prison for violating the Official Secrets Act.⁵⁴ Turnell is also facing another three-year prison term, to be served concurrently, for violating Myanmar's Immigration Act.⁵⁵

II. Political Developments

A. Rohingya Refugee Crisis

On September 17, a Rohingya teenager was killed when mortar shells launched from Myanmar crossed the border and landed inside Bangladesh.⁵⁶ Over one million Rohingya refugees live in Bangladesh, while just across the border in Myanmar, regime forces clash with the AA.⁵⁷ Bangladesh's foreign minister summoned the junta's envoy in Bangladesh to express grave concern over the shelling, as Bangladesh is concerned that continued fighting in the Rakhine State will delay the repatriation of the Rohingya refugees.⁵⁸

On September 22, the United States announced that an additional \$170 million would be provided to Rohingya refugees inside and outside Myanmar, bringing total U.S. aid to nearly \$1.9 billion since August of 2017.⁵⁹ Of the additional funding, nearly \$138 million will go to support Rohingya refugee communities in Bangladesh, providing food, safe drinking water, health care, protection, education, shelter and psychosocial support.⁶⁰ The United States admitted that current conditions in Myanmar would not allow for a safe and dignified return but reiterated its commitment to working with the government of Bangladesh to resolve the Rohingya refugee crisis.⁶¹

B. Corruption

Myanmar's regime filed a new corruption charge against ousted Mandalay municipal minister and mayor Dr. Ye Lwin less than a month before he completes his prison term.⁶² In December, he was sentenced by a junta court to two years in jail under Article 505(b) of the Penal Code for inciting civil servants to join the civil disobedience movement.⁶³

C. International Community / Sanctions

United Nations ("UN") investigators have determined that a recent attack on a school in Let Yet Kone village, that left a dozen children dead, could be a war crime.⁶⁴ The UN Secretary General strongly condemned the attack, stating that the perpetrators of international crimes must be held accountable.⁶⁵ Following the attack, Pope Francis appealed for greater international attention to the crisis in Myanmar.⁶⁶

The British government announced that it will support in principle the referral of Myanmar to the International Criminal Court, saying "The UK is clear that there must be accountability for the atrocities committed in Myanmar."⁶⁷

A group of public figures in Indonesia has petitioned the Indonesian constitutional court for permission to file a case against the Myanmar junta for suspected crimes against humanity, war crimes and genocide. If allowed, the case would proceed under the principle of universal jurisdiction.⁶⁸

The United States is seeking additional action, including a possible UN resolution, against the Myanmar junta, urging the international community not to recognize upcoming elections in Myanmar.⁶⁹ The UN special rapporteur on human rights also dismissed the upcoming election, declaring that "this is not going to be an election. It is a fraud."⁷⁰

The UN special rapporteur on human rights warned that the people of Myanmar are deeply disappointed in the international community's response to the crisis in Myanmar, noting that conditions have "gone from bad to worse to horrific for untold numbers of innocent people."⁷¹

Following her controversial meeting with the junta during August, UN Special Envoy Noeleen Heyzer vowed not to return to Myanmar unless she is allowed to meet with detained former leader Aung San Suu Kyi.⁷²

Malaysia's foreign minister met with representatives of the NUG in New York ahead of the UN General Assembly meeting, making Malaysia the first country from the Association of Southeast Asian Nations to publicly and personally receive delegates from the NUG.⁷³

In a letter to the UN, over six hundred civil society organizations called on the international body and its agencies to stop engaging with the junta and instead engage with the NUG and the ethnic revolutionary organizations.⁷⁴

Russian President Vladimir Putin met with junta Chief Min Aung Hlaing, hailing the "positive" ties between the two countries.⁷⁵ During his visit to Russia, Min Aung Hlaing personally inspected the production and testing of the four Russian fighter jets expected to be delivered to Myanmar later this year.⁷⁶

III. Civil and Political Rights

A. **Freedom of Speech, Assembly and Association**

The Myanmar regime added a charge that carries a death sentence against jailed protest leader Ko Wai Moe Naing for his role in the protest movement against military rule.⁷⁷ The activist has already been sentenced to ten years in prison for five incitement charges.⁷⁸ The new charge relates to his alleged leadership of protests in Monywa and affiliation with the Committee Representing Pyidaungsu Hluttaw of deposed lawmakers, which the junta has declared an unlawful organization.⁷⁹

Labor rights organizations in Myanmar have said that the military regime has repeatedly violated workers' rights, including freedom of association for trade unions, since last year's coup.⁸⁰ The president of the Federation of General Workers Myanmar said that trade unions in factories are not able to carry out basic union functions such as protecting the rights of workers, because factory owners are collaborating with the regime-controlled Ministry of Labor and have threatened union officials and workers to prevent them participating in union activities or demanding their rights.⁸¹ In late August, the International Labor Organization ("ILO") issued a brief report on Myanmar highlighting that the junta has declared 16 unregistered trade unions and civil society organizations to be operating as "illegal labor organizations," and that they were now unable to function without fear of arrest.⁸² On September 2, the junta's Ministry of Labor issued a rapid rebuttal of the ILO report, saying that it "strongly objects to the ILO's false statements."⁸³

According to *Access Now*, at least 54 of Myanmar's 330 townships are experiencing internet blackouts. The junta is also reportedly blocking access to websites and social media platforms, in addition to cutting off mobile phone communications in resistance strongholds. A group of activists known as Justice for Myanmar has also stated that the junta is taking control of all mobile networks, directly and through proxies. According to the *Irrawaddy*, internet access has been cut in Sagaing and Magwe regions and Chin State.⁸⁴

The military regime has also imposed a curfew in Naypyitaw between midnight and 4 am, prohibiting the gathering of five people or more.⁸⁵ Marches and public speeches are also barred under the curfew.⁸⁶

A prominent model and former doctor, Nang Mwe San, was sentenced to six years in prison for "harming culture and dignity" by posting pictures and video clips considered provocative to paid video-hosting platforms such as OnlyFans, after a short military trial in which she was not allowed to have access to a lawyer. According to the junta, Nang Mwe San "distributed paid pornographic photos and videos that could harm Myanmar culture and dignity." Another top model, Thinzar Wint Kyaw, faces similar charges - the two models are known to have participated in anti-regime protests. Nang Mwe San also had her medical license revoked in 2019 by the Myanmar Medical Council, after allegations that her clothes in a social media post went against "Myanmar culture and tradition."⁸⁷

A Myanmar junta court sentenced a Mandalay doctor to ten years in prison for allegedly having links with the NUG and for teaching medical lessons online.⁸⁸ Dr. Kyaw Kyaw Thet was

sentenced to seven years under Section 52(a) of the Counterterrorism Law on August 30 and three years in May for incitement under Section 505(a) of the Penal Code.⁸⁹ The physician has worked in free clinics and as a teacher.⁹⁰ The Assistance Association for Political Prisoners said that the junta has issued arrest warrants for over 600 healthcare workers and has detained 221 medical students.⁹¹

At least 15 protestors were arrested in Yangon on September 14 when regime personnel in civilian clothes broke up a flash mob in Kyimyindaing Township in support of the NUG.⁹²

B. Freedom of the Press and Censorship

In the last week of September, the Myanmar government imposed new censorship measures. The Information Ministry imposed pre-broadcast censorship on television programs, and will ban content that it considers “politically or religiously dangerous, or that it believes undermines the culture and national solidarity or arouses sexual desire.” These measures join existing censorship such as bans of the use of satellite dishes and the prohibition of paid TV operators from making news channels such as BBC and CNN available within Myanmar.⁹³

Myanmar’s junta sentenced the jailed journalist Ma Htet Htet Khine to an additional three years in prison with hard labor on September 27 under the Unlawful Association Act.⁹⁴ The journalist was previously the presenter of the Khan Sar Kyi program produced by BBC Media Action and had already been given a three year sentence for incitement on September 15.⁹⁵

IV. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

Qatari telecom company Ooredoo, Myanmar’s third-largest telecom operator, sold its Myanmar operations to the Singapore company, Nine Communications Pte Ltd.⁹⁶ According to an announcement issued by Ooredoo, the transaction had an enterprise value of \$576 million and a total equity consideration of \$162 million.

B. Economic Development—Infrastructure, Major Projects

The development of the Kyaukphyu Special Economic Zone (“KPSEZ”) and deep sea port in Rakhine State is facing significant delays due to local protests and the impact of last year’s coup.⁹⁷ The companies involved in developing the KPSEZ and port promised local residents employment opportunities, but residents allege that the companies are not even allowing them to walk past the oil and gas terminals.⁹⁸ Spanning 4,300 acres, the KPSEZ and the 643-acre port are considered to be the backbone of the China-Myanmar Economic Corridor, part of China’s ambitious Belt and Road Initiative.⁹⁹

C. Land Seizure

The NUG reportedly raised over US\$9 million from the sale of land in Mandalay illegally seized by the Myanmar military.¹⁰⁰ The NUG had reportedly received orders for over 300 plots of land before the official launch of the scheme, and viewed this as “determination and

enthusiasm for the revolution.”¹⁰¹ Buyers are required to pay 40% of the purchase price up front, with the balance due “after the success of the revolution.”¹⁰² The land is expected to be developed into housing projects.¹⁰³ A similar program was launched in Yangon a couple of weeks prior.¹⁰⁴

In Shan State, the military “forcibly confiscated” 28 acres of land to build a new railway for a steel factory.¹⁰⁵ The steel factory has been under construction since 2005 and the railway is expected to transport products from the factory.¹⁰⁶ The factory is expected to open in 2023-2024.¹⁰⁷ Adequate compensation has not been paid to farmers whose land was confiscated.¹⁰⁸

In Mon State, more than 80 houses and certain commercial buildings were “sealed off” following the military coup.¹⁰⁹ Many of the owners of the houses and buildings “have been charged with terrorism, affiliation with illegal groups, treason and sedition,” although not all have been prosecuted.¹¹⁰

In Mone Township, which is controlled by the Karen National Union, the junta is threatening to set villagers’ houses on fire and kill them if they do not leave the area.¹¹¹ Many villagers have left their homes and moved to nearby towns.¹¹²

V. Peace Talks and Ethnic Violence

A. Ethnic Violence

Nineteen Myanmar junta police officers were reportedly killed on August 31 when the AA seized an outpost in Maungdaw Township in northern Rakhine State.¹¹³ The AA said in a statement that the seizure was in response to the shelling of civilians in Mrauk-U Township on August 28.¹¹⁴ On September 10, the AA seized another junta outpost in Maungdaw Township.¹¹⁵

Myanmar’s military regime has ordered the UN and international non-governmental organizations operating in Rakhine State to halve their operations, as access to those areas has been temporarily blocked due to escalating clashes between junta forces and the AA.¹¹⁶ The block on movement and aid distribution came one day after the AA announced that it would check all vehicles for security reasons, as the junta has been reinforcing and resupplying its forces by all means, including using civilian transport.¹¹⁷

Further clashes broke out between the Myanmar military and the AA in Paletwa Township, Chin State on September 13 after an attack on a junta outpost.¹¹⁸

An AA spokesperson said that more than 100 Myanmar military soldiers have defected to the AA in recent weeks.¹¹⁹

Myanmar’s military regime carried out multiple heavy artillery attacks in Myawaddy Township, Kayin State in early September, as junta forces attempt to advance along the strategic Myawaddy-Waw Lay Road near the border with Thailand.¹²⁰ Cobra Column, which is fighting alongside the Karen National Liberation Army, holds the Myawaddy-Waw Lay Road, control of which allows resistance forces to receive supplies from Thailand.¹²¹

On September 20, approximately 15 Myanmar troops were reportedly killed and an outpost was lost during attacks by the Karen National Liberation Army in Sagaing Region and Kayin State.¹²²

Rival ethnic Shan armed groups, the Shan State Army-North and Shan State Army-South clashed in Kyethi Township, Shan State over territorial disputes on September 21.¹²³

B. Peace Talks

Seven of Myanmar's most powerful ethnic armed organizations met at the headquarters of the United Wa State Army ("UWSA") in September.¹²⁴ Leaders of the UWSA, the AA, the National Democratic Alliance Army, the Shan State Army-North, the Ta'ang National Liberation Army and the Myanmar National Democratic Alliance Army gathered to foster ties among the groups and discuss areas of potential cooperation.¹²⁵

Representatives of the UWSA, the National Democratic Alliance Army and the Shan State Army-North met junta Chief Senior General Min Aung Hlaing on September 26 for a second round of peace talks.¹²⁶ Following the meeting, a total of 567 Myanmar civil society organizations urged ethnic armed organizations not to attend peace talks with the junta.¹²⁷ Currently, ten ethnic armed organizations have held talks with the military regime: the Karen National Union/Karen National Liberation Army-Peace Council, the Democratic Karen Buddhist Army, the Pa-O National Liberation Organization, the New Mon State Party, the Arakan Liberation Party, the Restoration Council of Shan State/Shan State Army-South, the Lahu Democratic Union, the NDAA, the SSPP/SSA-N and the UWSA.¹²⁸

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- ⁵ The Irrawaddy, September 13, 2022: <https://www.irrawaddy.com/news/burma/nug-over-3000-civilians-killed-by-myanmar-regime-since-last-september.html>.
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- ⁷ *Id.*
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- ¹⁰ The Irrawaddy, September 26, 2022: <https://www.irrawaddy.com/news/burma/depayin-school-massacre-a-war-crime-myanmars-parallel-govt-says.html>.
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- ¹² *Id.*
- ¹³ The Irrawaddy, September 16, 2022: <https://www.irrawaddy.com/news/burma/nug-rejects-save-the-childrens-statement-on-use-of-schools-as-military-bases.html>.
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- ²⁸ Mizzima, September 24, 2022: <https://mizzima.com/article/myanmar-junta-says-all-northern-shan-state-idp-camps-must-close-october>.
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