

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

OCTOBER 2022 REPORT

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

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I. Coup, Crackdown on Protests and Civilian Resistance

Military airstrikes have increased in frequency in recent weeks.¹ At least twenty-eight aerial attacks were launched in October across five regions, which killed 111 people and left 126 people injured.² One such series of airstrikes took place on October 23 at a music festival held in honor of the 62nd anniversary of the founding of the Kachin Independence Organization.³ Three fighter jets were deployed to drop bombs over the festival stage and crowds.⁴ On October 25, the military officially claimed responsibility for the airstrikes.⁵ As of October 27, the number of casualties was 75,⁶ which includes well-known artists and officers of the Kachin Independence Army, and around 100 people were reportedly injured.⁷ Many of the wounded were also reportedly prevented by military troops from being treated at nearby hospitals.⁸

On October 25, an aerial assault was conducted by the military on a village in Pale Township, Sagaing Region that is under the control of a local People's Administration team.⁹ According to the military, 26 people, consisting mainly of police officers and soldiers, but also including seven women and four children held in the village, were rescued during the raid.¹⁰

More than sixty Myanmar junta police officers were reportedly killed in PDF attacks in Sangaing, Mandalay and Tanintharyi regions and Rakhine and Mon States between October 1 and October 3.¹¹ On October 2, local resistance groups attempted to occupy a police station in Salingyi Township. Five junta troops were reportedly killed in the raid and the attempted seizure was repulsed by an airstrike by the junta.¹² On October 3, three PDF groups attempted to occupy a police outpost in Monywa Township which led to the death of ten junta soldiers.¹³ On October 2, a military convoy of five vehicles in Myinmu Township was ambushed by the PDF.¹⁴ On October 2, another ambush on a military convoy of six vehicles in the Myaung Township resulted in the reported deaths of 15 military troops.¹⁵ On October 2, the PDF claimed to have bombed a junta court in Sanchaung Township.¹⁶ There was a clash between PDF and junta forces on October 1 in Pinlebu Township.¹⁷ On October 2, seventeen junta troops were reportedly killed when the PDF together with other resistance groups seized a military training camp in Pauk Township.¹⁸

Six civilians affiliated with the National League for Democracy (“NLD”) were taken from their homes and killed by pro-military forces on October 2.¹⁹ Another five men were found dead on October 4 in Natogyi Township, Mandalay Region, were linked to a pro-military group Thwe Thout.²⁰ Thwe Thout lanyards were found on each of the recovered bodies.²¹

On October 4, around 80 troops raided villages near Monywa, Sagaing region that were known to be NLD strongholds and where villagers regularly held anti-military protests.²² Troops burned houses, including the residence of the NLD's village committee chair, and detained and interrogated residents, including the elderly and children.²³ Throughout the weekend of October 8-9, troops attacked villages to the east of Wetlet Township, Sagaing Region, resulting in the deaths of at least 12 villagers and 20 resistance group fighters.²⁴ Thousands of residents reportedly were forced to flee their homes.²⁵ On October 19, around 120 troops attacked and torched six villages in Taze, Sagaing Region.²⁶ At least 60 homes were destroyed and residents from 16 villages were forced to flee to safety.²⁷

Internally displaced people (“IDPs”) in northern Rakhine State are being pressured by the military to leave IDP camps and return to their homes, most of which are in conflict zones and many which were torched or destroyed by the military in previous raids.²⁸ The military has warned that IDPs that fail to leave IDP camps and return home will be charged as trespassers.²⁹ There are currently more than 3,000 IDPs in four IDP camps in Buthidaung Township, Rakhine State.³⁰

II. Political Developments

A. Rohingya Refugee Crisis

In October, the Arakan Army, an armed ethnic group operating in the Rakhine State, gained more control over the Rakhine State as the junta administration rapidly collapsed in the northern reaches of the state.³¹ Many Rohingya refugees in nearby Bangladesh view the United League of Arakan (“ULA”), the political wing of the Arakan Army, as a potential solution to the Rohingya refugee crisis, as many Rohingya are turning to ULA courts to expedite repatriation to Myanmar.³² An Arakan Army spokesperson recently called on Bangladesh to recognize the ULA as the legitimate authority in the Rakhine State so that Bangladesh and the ULA can begin discussions on the repatriation process.³³

On October 2, a Rohingya civilian was killed and another person was injured in Bangladesh when a land mine exploded on the border with Myanmar.³⁴ The victim was a resident of Konarpara Rohingya refugee camp in the no-man’s land between Myanmar and Bangladesh.³⁵ While Bangladesh, as a signatory to the United Nations Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines, does not use land mines within its territory, land mines have become a persistent problem on the Myanmar side of the border, as multiple Rohingya refugees have been killed by land mines in the past few months.³⁶

B. Corruption

Former State Counselor Aung San Suu Kyi was sentenced to an additional six years in prison, consisting of three years for each of two corruption charges, to be served concurrently.³⁷ Her total prison sentence now totals 26 years.³⁸ On October 18, Aung San Suu Kyi and Former President Win Myint were prosecuted on five additional corruption charges, related to the rental and purchase of a helicopter for natural disasters and state affairs.³⁹ The head of security for Aung San Suu Kyi, Aung Naing Oo, was sentenced to ten years imprisonment on October 13 for allegedly leaking military information to Ko Jimmy, a well-known activist who was executed in July.⁴⁰

C. International Community / Sanctions

The United Nations (“UN”) human rights rapporteur for Myanmar said that the international community is failing the people of Myanmar, stressing that “there is not the requisite pressure necessary to generate any kind of change in behavior of the military junta.”⁴¹ He urged nations to “stand with and for the people of Myanmar” and not to make matters worse by granting legitimacy to the elections announced by the junta.⁴² During a discussion on

children’s rights in the UN General Assembly, the Myanmar representative reported that the junta has murdered 91 children under the age of 14 since the February 2021 coup and questioned “why the UN did not intervene in these incidents and decided to remain silent.”⁴³

The United States sanctioned a group of Myanmar arms dealers and their company, Dynasty International, for supplying arms to the military junta.⁴⁴ Paris-based money-laundering watchdog, Financial Action Task Force, added Myanmar to its global financial blacklist.⁴⁵

The European Parliament issued a joint motion for a resolution calling on the junta to end the persecution of journalists covering the crisis in Myanmar.⁴⁶ The resolution also calls for the Myanmar junta to be held accountable for serious rights abuses in the wake of the February 2021 coup.⁴⁷

Cambodia has not invited General Min Aung Hlaing to the Association of Southeast Asian Nations (“ASEAN”) summit due to be held in Cambodia in mid-November.⁴⁸ Instead, Myanmar will be represented by a non-political person.⁴⁹

In advance of the ASEAN meeting, the United States urged ASEAN members to take a “forceful” stance on Myanmar and apply more pressure on the junta regime.⁵⁰ 457 civil society organizations called on ASEAN to move beyond its Five-Point Consensus on Myanmar, exclude the junta from all ASEAN meetings and work with Myanmar civilian actors to end the crisis in Myanmar.⁵¹

Multiple non-government organizations also called on the UN Security Council to “stop evading its responsibility” to stop the mounting atrocities allegedly committed by the Myanmar junta by continuing to defer to ASEAN.⁵²

III. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

On October 28, junta chief Min Aung Hlaing signed a new Organization Registration Law that will govern the operations of civil society organizations and international non-governmental organizations operating in Myanmar, which, according to *The Irrawaddy*, targets the popular resistance movement. The new law requires compulsory registration for organizations and makes it subject to approval from relevant ministries. The law also prohibits organizations from supporting or otherwise having links with groups and individuals that the regime has labeled as terrorists or that actively oppose the regime, as well as with unlawful associations and their members. It additionally sets forth jail sentences of up to five years for acts deemed harmful to sovereignty, rule of law, national security and national solidarity.⁵³

To mark three months since the executions of four pro-democracy activists, Ko Jimmy, Ko Phyo Zeya Thaw, Ko Aung Thura Zaw and Ko Hla Myo Aung, political prisoners held a memorial service in Insein Prison on October 23, which was met with beatings by prison staff as well as hard labor. Additionally, four organizers were put in solitary confinement, according to prison sources.⁵⁴

B. Freedom of the Press and Censorship

On October 5, a military junta-controlled tribunal sentenced Japanese filmmaker Toru Kubota to seven years at Insein prison.⁵⁵ He was sentenced to three years in prison for sedition and seven years in prison on communications charges, to be served concurrently, for recording anti-regime protests.⁵⁶ On October 12, Kubota was sentenced to three more years in prison on immigration charges for engaging in news-gathering activities after entering the country on a tourist visa.⁵⁷ In Dhaka, a group of documentary filmmakers gathered to protest Kubota's sentence.⁵⁸ Demonstrators also gathered in Tokyo to protest his imprisonment and urged the Japanese government to take action.⁵⁹ In addition, Kubota's supporters held a press conference in Tokyo, calling on the Japanese government to negotiate his release.⁶⁰

On October 5, a military court also sentenced outspoken political columnist and *Voice of America* contributor, Sithu Aung Myint, to three years in prison with hard labor.⁶¹ He allegedly violated section 505(a) of the penal code, which criminalizes "incitement" and "dissemination of false news."⁶² Additional charges are still pending, which could lengthen his prison term.⁶³

The military junta also reportedly opened a case against Khaing Myat Kyaw, the chief editor of *Narinjara News Agency*.⁶⁴ The junta also opened cases against editors and reporters at outlets *Development Media Group* and *Western News*.⁶⁵ Local news outlets are reportedly being forced to operate from hideouts due to such prosecution of journalists.⁶⁶

On October 14, the junta broadcast its plans to take legal action against *The Irrawaddy* and *BBC* for reporting on a skirmish at the Mon State pagoda.⁶⁷ The outlets reported that junta security forces killed three Buddhist pilgrims during a firefight between military troops and resistance fighters.⁶⁸ The regime claims that the outlets contradicted the official account, which blamed NUG-PDF for the civilian deaths.⁶⁹ After the junta announcement, journalists from *The Irrawaddy* and *BBC* reportedly went into hiding in fear of retribution.⁷⁰

On October 26, the military junta ordered the closure of *The Irrawaddy*, banning the publication and revoking its license.⁷¹ The junta accused the outlet of damaging "state security, rule of law and public tranquility."⁷² Previously, the junta has aggressively targeted *The Irrawaddy*, through raids, lawsuits, arrests and banning the website inside Myanmar.⁷³ Since the coup, *The Irrawaddy* has reported on the regime's atrocities against civilians, its violent crackdowns on protestors and its connections with crony businessmen.⁷⁴

Myanmar is on track to surpass China this year as the world's top jailer of reporters.⁷⁵ More than 140 journalists have been arrested in Myanmar since the military coup; over 60 of them remain imprisoned and four have allegedly died in custody.⁷⁶

Since the 2021 coup, the military junta has abolished fifteen news agencies, four book publishers and two printing presses.⁷⁷ In addition to *The Irrawaddy*, the junta has revoked the licenses of numerous investigative outlets, including *Myanmar Now*, *DVB*, *Khit Thit*, *7 Days* and *Mizzima*.⁷⁸

IV. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

Puma Energy, the main supplier of aviation fuel to Myanmar, said that it would stop doing business in Myanmar and is exiting the country.⁷⁹ In a statement on October 5, the company said that it is selling its stake in Puma Energy Asia Sun and a minority share in National Energy Puma Aviation Services to a “locally owned private company.”

Toyota Motor Corporation announced that it has begun assembling cars at a new plant in Myanmar that had been put on hold for more than 19 months after the military coup and during the coronavirus pandemic.⁸⁰ The Japanese automaker said the plant has begun to assemble Hilux trucks from parts shipped to Myanmar in September.

Four international clothing companies, Dutch-owned C&A, Ireland’s Primark, and UK-based Tesco PLC and Marks & Spencer, have announced that they will no longer source products from Myanmar’s garment factories, citing ongoing rights violations perpetrated against workers.⁸¹

Norway’s Telenor said it is exploring ways to provide support to Myanmar telecom users facing digital security risks after its exit from Myanmar this year.⁸² The company said it had agreed with 474 civil society groups, under an OECD complaint procedure, to jointly select an independent researcher to conduct a risk study. The goal is to reach full agreement by the end of 2022, said Telenor and the Centre for Research on Multinational Corporations, which represents the civil society organizations.

B. Economic Development—Infrastructure, Major Projects

A Chinese-backed power plant, which is an important part of the China-Myanmar Economic Corridor in Myanmar’s western Rakhine State, opened on October 10.⁸³ The US\$180 million, gas-fired 135-MW power plant in the Kyaukphyu Special Economic Zone was inaugurated by Chinese Ambassador to Myanmar, Chen Hai, and Myanmar’s Deputy Minister for Electric Power, Dr. Aung Zeya.⁸⁴ The project was developed by Kyauk Phyu Electric Power Co. Ltd., a joint venture between the Chinese state-owned firm, Power China Resources, and Myanmar’s Supreme Group.⁸⁵

C. Land Seizure

There have been no material updates since the prior report.

V. Peace Talks and Ethnic Violence

A. Ethnic Violence

On October 4, thirty-five junta soldiers were reportedly killed in attacks by the PDF and ethnic armed organizations in Sagaing and Tanintharyi Regions and Mon and Kayin States.⁸⁶ Over 7,000 residents were forced to flee the regions after junta raids.⁸⁷ Further, two junta officers were killed in a drone strike by a resistance group in Myawaddy Township.⁸⁸ Another

20 junta soldiers were reportedly killed in Palaw Township, Tanintharyi Region after a PDF resistance group attacked two vehicles on a highway.⁸⁹ Three militia members were killed near Launglon Township after allegedly committing violence against local residents.⁹⁰ Five regime soldiers were reportedly shot by snipers in Kani Township, Sagaing Region in an ambush of 13 military boats.⁹¹ Another resistance group, Salingyi Generation-Z, reportedly killed four junta policemen in Salingyi Township.⁹²

Over 30 soldiers, including a military-appointed judge, were reportedly killed or injured from October 5-6 in attacks in Sagaing, Magwe and Tanintharyi regions and Kayin, Chin and Shan States.⁹³ From October 10-11, multiple attacks in Sagaing, Magwe, Mandalay and Tanintharyi regions and Chin State resulted in the deaths of more than 40 military troops.⁹⁴ More than 40 troops also died in over a dozen clashes between Peoples Defense Forces (“PDFs”), ethnic armed organizations and the military between October 14-17 in Sagaing, Magwe, Bago, Yangon and Tanintharyi regions and Chin, Kayin and Mon States.⁹⁵ In one ambush by the Karen National Union and a resistance group in Kyainseikgyi Township, Kayin State, 19 troops were captured.⁹⁶ From October 17-18, at least 40 troops, including a military-appointed township administrator, were killed in attacks in Mandalay, Magwe and Sagaing regions and Kayin and Rakhine States.⁹⁷

B. Peace Talks

The Peace Process Steering Team (“PPST”), an organization facilitating the peace process among ethnic armed organizations (“EAOs”), is planning to hold a political dialogue involving all EAOs before the end of the year.⁹⁸ PPST spokesperson Col. Saw Kyaw Nyunt suggested that the meeting will include not only EAOs that have signed the Nationwide Ceasefire Agreement (“NCA”) but also non-signatory EAOs.⁹⁹ The plan is in initial stages, and the time, date, location and agenda are still under negotiation.¹⁰⁰

The Restoration Council of Shan State, a signatory to the NCA, stated on October 10 that it is willing to meet with all EAOs.¹⁰¹ However, a representative of the Karenni National Progressive Party (“KNPP”), said that while the KNPP agrees that there is a need for all EAOs to meet and discuss, this cannot be done under the PPST’s leadership.¹⁰²

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- ² *Id.*
- ³ Myanmar Now, October 24, 2022: <https://www.myanmar-now.org/en/news/myanmar-military-bombs-kachin-music-concert-killing-dozens-including-civilians-performers-and>.
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- ¹³ *Id.*
- ¹⁴ *Id.*
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- ¹⁶ *Id.*
- ¹⁷ *Id.*
- ¹⁸ The Irrawaddy, October 3, 2022: <https://www.irrawaddy.com/news/burma/17-myanmar-junta-troops-killed-in-pdf-raid-on-magwe-training-camp.html>.
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- ²² The Irrawaddy, October 5, 2022: <https://www.irrawaddy.com/news/burma/myanmar-junta-troops-raid-pro-nld-villages-in-sagaing.html>.
- ²³ *Id.*
- ²⁴ The Irrawaddy, October 11, 2022: <https://www.irrawaddy.com/news/burma/sagaing-resistance-fighters-killed-in-myanmar-junta-raids.html>.
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- ²⁶ The Irrawaddy, October 21, 2022: <https://www.irrawaddy.com/news/burma/myanmar-junta-troops-torch-six-sagaing-villages-in-one-day.html>.
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¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² Than Lwin Times, October 30, 2022: <https://thantwintimes.com/2022/10/30/ppst-seeking-to-hold-a-political-dialogue-involving-all-caos/>.