STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

JANUARY 2023 REPORT

Summary. This report reviews the January 2023 developments relating to human rights in Myanmar.

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I. <u>Coup, Crackdown on Protests and Civilian Resistance</u>

Four People's Defense Force ("PDF") groups raided a military camp at Sin Nge Village in Taze Township, Sagaing Region on January 3.¹ At least 30 military troops died in the raid.²

From January 7 to 10, at least 65 soldiers were killed in clashes with PDF groups in Sagaing, Magwe, Mandalay, Bago and Tanintharyi regions.³ More than 20 of those soldiers, including an army captain and Pyu Saw Htee militia members, were killed at Pan Nyo village in Myaung Township, Sagaing region.⁴ Around 150 homes out of a total of 800 homes in the village were looted and burned down by the military.⁵

From January 15 to 17, at least 48 soldiers, militia members and military regimeappointed administrators were killed by PDF groups in Sagaing, Mandalay, Magwe, Bago and Tanintharyi regions,⁶ while from January 17 to 19, at least 87 military forces and militia members and two resistance group fighters were killed.⁷

At least 57 soldiers and militia members were killed from January 22 to 24 in incidents reported in Sagaing, Mandalay and Magwe regions, as well as Kayin State.⁸ At least 20 of those consisted of Pyu Saw Htee militia members who were killed, and 15 others were injured, when 13 local PDF groups raided their camp in Taltheetaw Village in Shwebo Township, Sagaing Region.⁹ From January 21 to 26, at least 125 troops and militia members were killed in Kayin, Kachin, Shan and Chin states and Sagaing, Magwe, Mandalay and Bago regions.¹⁰ Around 90 of those troops were killed and 50 were injured during clashes, which spanned over a week, in Kawkareik Township, Kayin State.¹¹

In addition to targeting government offices that are run by the military regime, resistance forces are now also targeting election offices of the military regime as part of an effort to disrupt plans for a general election later this year.¹² In mid-January, after the government began updating voter lists, at least six election offices in Yangon, Sagaing and Magwe regions were attacked.¹³ Four government offices in Payathonzu Town, Kayin State were raided on January 23 by the Karen National Liberation Army ("KNLA"): the Military Intelligence office, the General Administration Department, the Immigration and Population Department and the Land Records Department.¹⁴ Police stations are also being targeted by resistance forces. The Launglone People's Defense Force and the Special Guerilla Force set fire to the Thakyattaw Police Station in Tanintharyi Region in mid-January.¹⁵ No one was at the station at that time, as all personnel, police officers and soldiers abandoned the station on January 13.¹⁶

Military officials are shutting down 45 temporary settlements for internally displaced persons ("IDPs") in Rakhine and Kachin states.¹⁷ IDPs are now being forced to sign pledges to leave the camps and to choose between three options: (1) to move to a place of their choice, (2) to move to a location assigned to them by the military or (3) to return to their homes, which have likely been destroyed and/or may still be unsafe due to landmines or military occupation.¹⁸ On January 23, the military dropped four bombs and fired heavy artillery from fighter jets on a hospital and on a monastery in Mindat Township, Chin State, which was being used as a makeshift camp for IDPs.¹⁹ Eight people who were sheltering at the monastery were injured.²⁰ The area had been subject to at least eight airstrikes from January 7 to 13, which caused over 2,000 people to flee their homes in the area.²¹

Around 100 military troops launched an arson attack on Kan Gyi Taw Village in Shwebo Township, Sagaing Region, which is a historic village, on January 12.²² A monastery and at least 50 homes were destroyed.²³ Military troops conducted airstrikes and torched houses across 10 villages in Katha Township, Sagaing Region from January 22-23.²⁴ More than 15,000 residents from these villages have fled from their homes as a result.²⁵ A week prior, on January 18, the military conducted airstrikes that killed 7 people and left dozens of residents injured.²⁶ Around 200 soldiers raided and torched homes in five villages along the border of Depayin and Ye-U townships in Sagaing Region on January 23-24.²⁷ More than 7,000 residents were forced to flee their homes.²⁸ Many villagers in Depayin Township were still recovering and rebuilding from the last arson attacks across 30 villages perpetrated by government forces back in December.²⁹

The military junta has determined to issue arms and ammunition to civilians who agree to participate in local security and law enforcement in their states and regions, allowing them to hold five different types of weapons, including pistols and hunting rifles.³⁰ Pro-junta militias and security organizations will be also allowed automatic weapons.³¹ According to *The Irrawaddy*, in the past, "only some retired military personnel and well-known business people have been allowed to hold weapons by special permit," and, as the resistance grows stronger, "there has been a sharp increase in the number of assassinations of pro-junta militia members, regime informants and former military personnel."³²

II. <u>Political Developments</u>

A. Rohingya Refugee Crisis

According to Human Rights Watch ("HRW"), the Bangladesh Armed Police Battalion ("APBn") is extorting, arbitrarily arresting and harassing Rohingya refugees, who are already facing violence from criminal gangs and armed groups.³³ In a statement, HRW said it documented over 16 cases of serious abuse by APBn officers after interviewing more than 40 Rohingya refugees in October-November 2022 and reviewing police reports.³⁴ These included abuse against 10 refugees who were detained on apparently fabricated charges of trafficking methamphetamine or perpetrating violence, according to HRW.³⁵ Rights groups including HRW say they have long documented the common practice by Bangladesh security forces of framing suspects with drugs or weapons.³⁶ HRW urged donor governments to press Bangladesh authorities to investigate alleged abuses against Rohingya living in refugee camps in Cox's Bazar, to ensure victims have effective remedy and to develop measures to better protect refugees.³⁷

A Rohingya refugee was killed, two others were injured and many more refugees were displaced by shooting and fires at the Konarpara camp in the no-man's land between Bangladesh and Myanmar on January 18.³⁸ Gunshots were also reported on January 19 from the Konarpara camp.³⁹ Bangladeshi intelligence and police sources told *The Irrawaddy* that there was fighting between groups linked to the Rohingya Solidary Organization and Arakan Rohingya Salvation Army at the Konarpara camp.⁴⁰ Police said the border is mainly under Border Guard Bangladesh jurisdiction.⁴¹

A counterterrorism commander in Dhaka announced the arrest of Fakhrul Islam, a Bangladeshi citizen, who trained as an Islamist militant in Afghanistan and was recruiting in Rohingya refugee camps.⁴² According to Dhaka Metropolitan Police, Fakhrul Islam donated funds to attract Rohingya refugees towards extremism.⁴³ Internal affairs minister Asaduzzaman Khan warned that "terrorists" might lure Rohingya refugees in Bangladesh to extremism if the community was not rapidly repatriated to Myanmar.⁴⁴ Asaduzzaman said parts of the Rohingya community were involved in smuggling methamphetamines into Bangladesh while others were engaged in killing community leaders in the camps.⁴⁵

B. Corruption

On February 1, Myanmar regime leaders placed Myanmar under six additional months of emergency rule, citing ongoing resistance to military rule.⁴⁶ The announcement came after scores of cities participated in a five-hour silent strike to protest the coup.⁴⁷ The protest resulted in the shutdown of traffic and businesses, even after the regime issued threats and warnings that participants would be arrested and prosecuted for their participation.⁴⁸

Myanmar has fallen 17 places in Transparency International's latest Corruption Perceptions Index and is now only ahead of North Korea in Asia.⁴⁹ Transparency International tracks perceptions of public sector corruption around the world, using data from experts, institutions like the World Bank and World Economic Forum and other businesspeople.⁵⁰ This is the first time that Myanmar has fallen below Cambodia since 2012.⁵¹

C. International Community / Sanctions

The United States, Canada and the United Kingdom announced new sanctions on Myanmar on January 31, the day before the second anniversary of the coup.⁵² The three countries' sanctions target regime officials, state-owned entities and businessmen with ties to the regime, including the Energy Minister and two top officials of the state-owned Myanma Oil and Gas Enterprise.⁵³ Further snubbing the regime, the United Kingdom also did not invite Myanmar to attend King Charles III's coronation.⁵⁴

A group of Myanmar citizens filed a criminal complaint in Germany accusing the junta of genocide, war crimes and crimes against humanity.⁵⁵ The complaint, which includes accounts of atrocities dating from 2017 to 2021, was lodged under the principle of universal jurisdiction, which allows the prosecution of certain grievous crimes regardless of where the crimes took place.⁵⁶

United Nations special envoy Noeleen Heyzer warned that the regime's planned elections will "fuel greater violence, prolong the conflict and make the return to democracy and stability more difficult," calling for the international community to unite in opposition.⁵⁷ The U.S. holds similar views, saying that any elections would be a "sham."⁵⁸

Speaking at a special UN meeting to prevent genocide, war crimes, ethnic cleansing and crimes against humanity, Myanmar's ambassador to the UN, a representative of the parallel civilian National Unity Government (the "NUG"), called for the international community to intervene to protect civilians from junta atrocities.⁵⁹

The NUG expressed their "deep gratitude" to China for standing with the Myanmar people at the United Nations, in particular on the UN Security Council, which adopted its first-ever resolution on Myanmar in December 2022.⁶⁰

III. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

In early February, the regime imposed martial law in 37 townships, including in the resistance stronghold regions of Sagaing and Magwe.⁶¹ It also established curfews in Sagaing, Magwe and Bago regions and Chin State.⁶² Further, gatherings of more than five people in those townships have been banned, and civilians have been warned against any action deemed disruptive to security forces.⁶³ The regime warned that violations will be met with arrests. In Chin State, with a majority Christian population, the bans are reportedly preventing many people from being able to attend worship on Sundays.⁶⁴

B. Freedom of the Press and Censorship_

On December 29, a military court sentenced *Dawei Watch* journalist Aung Lwin (also known as Kan Pauk Thar) to five years at Dawei Prison under Article 52(a) of the Counter Terrorism Law.⁶⁵

On December 30, a Yangon court sentenced Thurein Kyaw to ten years at Insein Prison with hard labor under Article 49(a) of the Counter Terrorism Law.⁶⁶ Thurein Kyaw, cofounder and coordinator of the independent outlet *Media Top 4*, was severely beaten and detained in February 2022 while covering a rally in support of the junta.⁶⁷

On January 4, the military junta released over 7,000 prisoners in an amnesty to mark Myanmar's Independence Day.⁶⁸ Several writers were among those released. Than Myint Aung, a writer and philanthropist, had been serving a three-year sentence for incitement when she was released from Insein Prison.⁶⁹ Htin Lin Oo, a former National League for Democracy information officer and writer, was also released from Insein.⁷⁰ He was arrested on the day of the coup.⁷¹ The junta also released Myo Tay Zar Maung, a poet sentenced to two years for sedition, from Yamethin Prison.⁷²

At least nine journalists were reportedly released in the amnesty.⁷³ The junta released veteran reporter Thuzar (also known as Ah Hla Lay Thuzar) from Insein Prison.⁷⁴ In November, Thuzar was sentenced to two years at Insein Prison under Section 505(a) of the Counter Terrorism Law.⁷⁵ She has contributed to *Myanmar Pressphoto Agency, Modern Journal, RFA News, 7 Days News Media* and *Friday Time*, among others.⁷⁶ In addition, Kyaw Zay Ya, chief reporter of *Mawkun Magazine*, was reportedly released from Daik-U Prison in Bago but was then detained again by police.⁷⁷

The junta also released reporter Pyae Phyo Aung from Shwebo Prison, where he was serving a two-year sentence under Section 505(a) of the Counter Terrorism Law.⁷⁸ Pyae Phyo Aung and his colleague Myint Myat Aung, of the defunct *Zayar Times*, were arrested for publishing stories about anti-junta protests.⁷⁹ Myint Myat Aung remains imprisoned.⁸⁰ In

addition, the junta released Lway M Phoung, a video editor for *Shwe Phi Myay News Agency*. She was serving two years at Lashio Prison.⁸¹ The junta also released Aung Zaw Zaw, a video producer for the *Mandalay Free Press*, serving a two-year sentence for incitement.⁸²

On January 4, the junta released Myo Min Tun from Pathein Prison, where he was serving a two-year sentence.⁸³ Myo Min Tun worked as an editor for *Myit Makha Media Group*, an independent news outlet and former *Voice of America* affiliate, and was a former editor of *Ayeyarwaddy Times*.⁸⁴ Former 7 *Day News* reporter Sai Ko Ko Tun was released from Dawei Prison, where he was serving two years with hard labor.⁸⁵ At the time of his arrest in November 2021, he was providing reports to *Myanmar Now*.⁸⁶

Around fifty journalists continue to be imprisoned by the junta.⁸⁷ Some thirty journalists are currently held in Yangon's Insein Prison.⁸⁸

IV. <u>Economic Development</u>

A. Economic Development—Legal Framework, Foreign Investment

Thailand's state-backed energy company, PTT Exploration & Production ("PTTEP"), has decided to delay the development of its integrated gas-to-power project to generate electricity in Myanmar, according to the *Bangkok Post*.⁸⁹ PTTEP said it plans to continue existing gas production in the country, even as Western nations have imposed sanctions targeting individuals and entities linked to Myanmar's military government.

B. Economic Development—Infrastructure, Major Projects

Myanmar's civilian National Unity Government ("NUG") will attempt to raise funds for its resistance against the military regime through mining licenses.⁹⁰ During a press conference on January 15, the NUG announced a plan to grant licenses for local and foreign businesses to operate gem mines in Mandalay's Mogok Township, also known as "Ruby Land."⁹¹

The NUG raised over US\$10 million in 18 hours from the presale of apartments in the Spring Valour Condominium to be built on military-owned land in Yangon.⁹² The project was announced on January 14, and sold on January 21. The sale is part of the effort by the NUG's Ministry of Planning, Finance and Investment ("MOPFI") to raise funds for the ongoing revolution against the military regime by selling or auctioning military-owned property.⁹³ Tin Tun Naing, MOPFI minister, said on Facebook that the success of the sale demonstrated the people's will to participate in rooting out dictatorship.⁹⁴

Golden Future Linkage, a Naypyitaw-based company owned by Min Aung Hlaing's son, Aung Pyae Sone, has proposed building a 40-megawatt solar power plant on a 230-acre plot of land in Thazi Township in partnership with a Chinese firm, China Energy Engineering Corporation Ltd.⁹⁵ A letter seeking approval from the State Administration Council, which is the administrative body of the military regime, to implement the solar power project was submitted in August 2022.⁹⁶ It remains unclear if the Ministry of Electricity and Energy has approved the proposal.⁹⁷

C. Land Seizure

A family in Dawei Township had their home confiscated while on vacation.⁹⁸ The family was "under suspicion of having connections to resistance forces."⁹⁹ The family maintains their innocence but is scared to return to their home for fear of "being apprehended by the junta."¹⁰⁰ They are currently staying in a safe house.¹⁰¹ The junta has reportedly "unjustly" confiscated approximately 10 houses in the township.¹⁰²

V. Peace Talks and Ethnic Violence

A. Ethnic Violence

On January 2, several military soldiers and resistance fighters were reportedly killed by the combined forces of local PDF fighters and the KNLA jointly occupying military outposts in Kyainseikgyi Township, Kayin State.¹⁰³ Clashes between KNLA and junta forces had been ongoing for over two weeks at the time of the casualties.¹⁰⁴

On January 6, the KNLA, together with three local PDF groups, raided several military battalions near the town of Kyanseigkgyi, Kayin State and reportedly 30 military fighters were killed during the nine-hour raid.¹⁰⁵

More than 60 military troops and militia members were killed from January 13 to 15 in clashes against PDF groups and an ethnic armed organization in Sagaing, Magwe and Bago regions and Shan, Kayah and Chin states.¹⁰⁶ Thirty of those military forces were killed in Hseni Township, northern Shan State while fighting against the Myanmar National Democratic Alliance Army.¹⁰⁷

Another eight military fighters were killed on January 16 in a clash in Shat Pon Village, Palaw Township between the military and the Karen National Defense Organization ("KNDO") together with local PDFs.¹⁰⁸

On January 20, the Karenni Nationalities Defense Force, along with local PDF groups, reportedly burned down a military outpost in Bawlakhe Township, Kayah State, and five military soldiers were killed in the attack.¹⁰⁹

On January 25, the Kachin Independence Army and local PDF groups reportedly launched an attack on four junta outposts in Hpakant, Kachin State and further outposts across the region, which led to military casualties.¹¹⁰

From January 20 to January 26, at least 90 military forces were reportedly killed during a series of clashes between the junta, KNLA, KNDO, Democratic Karen Buddhist Army and several PDF groups in Kawkareik Township, Kayin State.¹¹¹

B. Peace Talks

From January 5 to January 7, the Myanmar military regime held talks with the United Wa State Army, the National Democratic Alliance Army and the Shan State Progress Party.¹¹² In a statement after the meeting, the junta said the parties signed a final agreement and discussed

provisions in the 2008 Constitution regarding building a union based on democracy and federalism.¹¹³ However, the three ethnic armed organizations denied any involvement in signing the final agreement, which requires them to stop supplying arms to the NUG, its parliamentary body, and the PDFs. The ethnic armed organizations also said the National Solidarity and Peace Negotiation Committee attempted to coerce them into signing the agreement at the meeting but they strongly refused.¹¹⁴ They accused the junta of attempting to mislead the people.¹¹⁵

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⁵² The Irrawaddy, February 1, 2023: https://www.irrawaddy.com/news/the-world-myanmar/us-hits-myanmar-with-new-sanctions-onsecond-anniversary-of-coup.html.

⁵⁴ The Irrawaddy, January 25, 2023: <u>https://www.irrawaddy.com/news/burma/uk-snubs-myanmar-junta-over-king-charles-</u> coronation.html.

⁵⁵ The Irrawaddy, January 25, 2023: https://www.irrawaddy.com/news/the-world-myanmar/war-crimes-complaint-filed-againstmyanmar-military-in-germany.html.

⁶ Id.

⁵⁷ The Irrawaddy, January 31, 2023: <u>https://www.irrawaddy.com/news/the-world-myanmar/un-says-myanmar-junta-elections-will-</u> fuel-violence.html.

⁵⁸ Id.

⁵⁹ The Irrawaddy, January 26, 2023: <u>https://www.irrawaddy.com/news/burma/myanmar-un-ambassador-demands-international-</u> intervention-to-protect-civilians-from-junta-atrocities.html.

⁶⁰ The Irrawaddy, January 23, 2023: https://www.irrawaddy.com/news/the-world-myanmar/myanmars-civilian-national-unity-govtthanks-china-for-un-stance.html.

⁶¹ The Irrawaddy, February 11, 2023: https://www.irrawaddy.com/specials/junta-watch/junta-watch-myanmars-chief-torturerrewarded-with-cabinet-post-new-curfew-threatens-lives-and-more.html

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Committee to Protect Journalists, January 11, 2023: https://cpj.org/2023/01/myanmar-sentences-8-journalists-to-years-in-prisonreleases-6-others/.

Id.

⁶⁷ Id.

⁶⁸ Reuters, January 4, 2023: <u>https://www.reuters.com/world/asia-pacific/myanmar-junta-hits-out-critics-thanks-neighbours-help-</u> 2023-01-04/.

Radio Free Asia, January 4, 2023: https://www.rfa.org/english/news/myanmar/myanmar-amnesty-01042023054805.html.

⁷⁰ The Irrawaddy, January 4, 2023: <u>https://www.irrawaddy.com/news/burma/myanmar-junta-releases-some-political-prisoners-in-</u> independence-day-amnesty.html.

⁷¹ Radio Free Asia, January 4, 2023: https://www.rfa.org/english/news/myanmar/myanmar-amnesty-01042023054805.html. ⁷² Id.

⁷³ Mizzima, January 7, 2023: <u>https://mizzima.com/article/journalists-released-myanmar-independence-day-amnesty</u>.

⁷⁴ The Irrawaddy, January 4, 2023: <u>https://www.irrawaddy.com/news/burma/myanmar-junta-releases-some-political-prisoners-in-</u>

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⁷⁸ Id.

⁷⁹ Myanmar Now, January 10, 2022: <u>https://myanmar-now.net/en/news/zayar-times-journalists-hit-with-2-year-prison-sentences</u>. ⁸⁰ Id.

⁸¹ Committee to Protect Journalists, January 11, 2023: <u>https://cpj.org/2023/01/myanmar-sentences-8-journalists-to-years-in-prison-</u>

releases-6-others/.

⁸² Id.

⁸³ Id.

⁸⁴ Democratic Voice of Burma, January 6, 2023: <u>https://english.dvb.no/several-journalists-freed-in-juntas-independence-day-</u> amnesty/

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Id

⁸⁷ Democratic Voice of Burma, January 6, 2023: <u>https://english.dvb.no/several-journalists-freed-in-juntas-independence-day-</u> amnesty/.

⁸⁸ Id.

⁸⁹ Energy Voice, January 27, 2023: <u>https://www.energyvoice.com/oilandgas/asia/478675/pttep-delays-2bn-m3-gas-development-in-</u> mvanmar/

⁹⁰ The Irrawaddy, January 18, 2023: <u>https://www.irrawaddy.com/news/burma/myanmars-civilian-govt-to-grant-mining-licenses-for-</u> ruby-land.html.

⁹¹ Id.

⁹² The Irrawaddy, January 23, 2023: <u>https://www.irrawaddy.com/news/burma/myanmars-civilian-govt-raises-10-million-from-</u> yangon-condo-presales.html

⁹³ Id.

⁹⁴ Id.

⁹⁵ The Irrawaddy, January 19, 2023: <u>https://www.irrawaddy.com/news/burma/myanmar-regime-chiefs-son-proposes-mandalay-solar-</u> power-plant.html

⁹⁶ Id. ⁹⁷ Id.

⁹⁸ Mizzima, January 18, 2023: <u>https://mizzima.com/article/junta-seize-familys-home-dawei-whilst-they-holiday</u>

⁹⁹ Id. ¹⁰⁰ Id. ¹⁰¹ Id.

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¹⁰³ The Irrawaddy, January 3, 2023: <u>https://www.irrawaddy.com/news/war-against-the-junta/over-20-myanmar-junta-forces-killed-in-</u> three-days-of-resistance-attacks-2.html.

¹⁰⁴ The Irrawaddy, January 3, 2023: <u>https://www.irrawaddy.com/news/war-against-the-junta/resistance-fighters-capture-myanmar-</u> junta-border-bases-in-karen-state.html

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¹¹⁴ Id.

¹¹⁵ Id.