

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

FEBRUARY 2023 REPORT

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

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I. Coup, Crackdown on Protests and Civilian Resistance

Residents across Myanmar marked the second anniversary of the 2021 military coup by participating in a silent strike on February 1.¹ Businesses were closed and streets were deserted during the strike. Outside of Myanmar, around 400 anti-military regime protestors rallied outside the Myanmar embassy in Bangkok, Thailand.² Rallies also took place outside the Myanmar embassies in Japan³ and in Manila, Philippines.⁴ On the other hand, around 200 military supporters marched through downtown Yangon.⁵ The following day, on February 2, the Myanmar military government declared martial law in 37 townships in eight states and regions across the country⁶ a day after the National Defense and Security Council (“NDSC”) had announced the extension of the country’s state of emergency for six more months.⁷ On February 23, martial law was imposed on three additional townships (Shwebo, Ayadaw and Wetlet Townships) in Sagaing Region.⁸

At least 42 military forces, including pro-military militia members, were killed from February 2-5 in clashes in Sagaing, Mandalay, Bago and Tanintharyi Regions and Mon State.⁹ From February 5-7, at least 67 military forces and pro-military militia members were killed in clashes in Magway, Sagaing, Mandalay, Bago and Tanintharyi Regions.¹⁰ Over the following three days, at least 33 more troops, as well as police officers, were killed in Chin, Mon, Shan and Kachin States and Magway, Mandalay and Sagaing Regions.¹¹

From February 9 to 11, around 150 troops raided six villages along the border of Sagaing Region and northern Shan State.¹² Six civilians were reportedly killed and more than 2,000 were displaced as a result of these raids.¹³

At least 79 troops and pro-military militia members and 11 resistance fighters were killed from February 9-12 in clashes that took place in Magway, Mandalay and Sagaing Regions as well as in Shan and Kayah States.¹⁴ Twenty-five of these troops were reportedly killed by the People’s Defense Force (“PDF”) group in Naungcho Township, northern Shan State on February 10.¹⁵ Over the following three days, more than 40 troops, as well as militia members and a military-appointed administrator, were killed in clashes in Sagaing, Magway and Bago Regions, as well as Mon State.¹⁶ From February 16-19, at least 106 troops were killed in Mandalay, Sagaing, Magway, Bago and Tanintharyi regions and Kayah and Mon States.¹⁷ At least 30 of those troops were reportedly killed by resistance fighters in Yedashe Township, Bago Region on February 16,¹⁸ and at least 25 were killed during a series of ambushes in Saw Township, Magway Region.¹⁹ At least 51 troops and pro-military militia members were killed from February 20-23, including during an attempt by 30 PDF groups to jointly occupy a military base in Magway Region.²⁰ On February 21, at least 25 soldiers were killed and 18 were injured in Shwebo Township when more than 12 local resistance groups defended Pauk Chaing Village from being looted and destroyed by military forces.²¹

Locals have reported an increase in military raids in Sagaing Region since martial law was declared in 11 of its townships.²² From February 11 to 14, more than 2,000 buildings and homes across 14 villages in the region were destroyed in arson attacks by the military.²³ Military raids in Myinmu, Taze and Khin-U Townships have reportedly led to the displacement of around 25,000 people since February 24.²⁴ On February 26, a group of around 90 soldiers raided the Kan Taw village in Myinmu Township which is known to be a resistance stronghold.²⁵ Four

people, including a 12-year-old and a 13-year-old, were used as human shields by the troops before being beheaded.²⁶ The soldiers also destroyed three monasteries, a school and ten homes.²⁷ Multiple resistance groups defended the village in a clash that lasted for around ten hours, which reportedly resulted in the deaths of at least 17 soldiers.²⁸

II. Political Developments

A. Rohingya Refugee Crisis

Myanmar's junta says it is working to bring back Rohingya refugees who fled Rakhine State for Bangladesh following military operations in 2017.²⁹ Junta leaders visited Maungdaw on the Bangladesh border on February 4 and instructed the authorities to prepare transit camps for repatriation.³⁰ Refugees in Bangladeshi camps said they have little trust in the repatriation program.³¹ The regime's repatriation moves, according to some Rohingya activists, are an attempt to salvage its international reputation and help its case at the International Court of Justice, where Myanmar faces genocide charges.³²

Myanmar's civilian National Unity Government ("NUG") human rights minister Aung Myo Min says the crimes of genocide against Rohingya Muslims in Myanmar committed six years ago must be acknowledged and justice sought for the victims.³³ The NUG expressed shame over the historic exclusionary and discriminatory policies, practices and rhetoric against the Rohingya and other ethnic groups, which laid the groundwork for the military to escalate its atrocities.³⁴ The NUG declared that the Rohingya should have full citizenship rights in Myanmar and pledged it would pursue accountability in a policy announced on June 2021.³⁵ However, these actions face significant obstacles as they are contingent on the establishment of democracy, the ending of other atrocities and the defeat of the junta, said the NUG.³⁶

B. Corruption

On March 13, the Supreme Court rejected an appeal to seize land from the Daw Khin Kyi Foundation.³⁷ In 2018, Aung San Suu Kyi bought land in Naypyitaw for the establishment of a vocational training school and forest to raise public awareness of deforestation impacts.³⁸ However, in the aftermath of the coup, the junta accused Aung San Suu Kyi of abusing her power to purchase land for her project at lower than market value, and subsequently three counts of corruption were filed against her.³⁹ A junta court later sentenced her to three years in jail for each charge.

C. International Community / Sanctions

A delegation from Myanmar's parallel civilian NUG met with Norwegian parliamentarians to discuss punishment for the junta's purported crimes against humanity and war crimes.⁴⁰ Topics discussed also included the provision of humanitarian aid and Norway's support for the NUG and democracy in Myanmar.⁴¹

The United States denounced the junta's extension of a state of emergency by six months, saying that it is "prolonging the military's illegitimate rule and suffering it inflicts upon the country."⁴²

The European Union has imposed further sanctions on members of the Myanmar junta, its arms brokers and jet fuel suppliers.⁴³ Justice for Myanmar welcomed the sanctions and called on the United States and democracies in Asia to target the junta's jet fuel supply chain with sanctions.⁴⁴ Justice for Myanmar separately called for Canada and the UK to sanction Myanmar Oil and Gas Enterprise following the investment of Canadian MTI Energy in the Yadana Gas Project.⁴⁵

The United States announced an additional \$50 million in humanitarian aid for emergency food and nutrition assistance for the people of Myanmar.⁴⁶

A Chinese special envoy traveled to the China-Myanmar border and met with representatives of seven of Myanmar's ethnic armed organizations, his second trip to the border area in three months. Some observers have interpreted the visits as an effort to counter the Burma Act that was passed by the U.S. Congress in December.⁴⁷

III. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

The NLD has expelled its central executive committee member and former Yangon chief minister, Phyo Min Thein, together with three central committee members, Sandar Min, Toe Lwin and Win Myint Aung.⁴⁸ The members were expelled for defying NLD policies by supporting the regime's election plan, which has been deemed a sham by the opposition.⁴⁹ Phyo Min Thien also testified against State Counselor Aung San Suu Kyi in a corruption case filed by the junta.⁵⁰ He was then released with the imposition of a fine; the only arrested NLD chief minister to be freed.⁵¹ Sandar Min, who reportedly has close ties to military officers, visited Aung San Suu Kyi in prison to ask her to back the junta's plan for a general election this year.⁵² The NLD said the expelled members "have been suspended from all duties assigned to them by the party, as well as permanently expelled from the party and that their communication and activities have nothing to do with the NLD."⁵³

B. Freedom of the Press and Censorship

In the weeks before February 1, the military junta notified the public that terrorism charges could be imposed for engaging in pro-resistance social media activities.⁵⁴ The junta's threatening messages ramped up as anti-regime groups promoted a silent strike on the February 1 anniversary of the coup.⁵⁵ On January 30, Soe Yadanar Oo, a 21-year old, was arrested for Facebook posts supporting the strike and critiquing the regime.⁵⁶ The junta opened a case against her under Section 52(a) of the Counterterrorism Law, which carries a maximum penalty of seven years in prison.⁵⁷

On February 1, the junta announced martial law in thirty-seven resistance stronghold townships.⁵⁸ Criminal cases involving criticism of the regime, such as incitement, treason and "spreading false news," will now be tried by military tribunals in those townships.⁵⁹ On February 23, the junta extended martial law to three additional townships in Sagaing Region: Shwebo, Ayadaw, and Wetlet.⁶⁰ In total, forty townships have been placed under direct military control this month. Eleven townships in Yangon and Mandalay were already covered under

similar laws.⁶¹ A farmers' rights activist, Zaw Yan, claimed the declaration will lead to "major bloodshed," and it was made so the military could "kill everyone in their way to rule those regions by hook or by crook."⁶²

On February 1, two Japanese journalists launched a website supporting Myanmar creators called "Docu Athan."⁶³ Reporter Yuki Kitazumi and filmmaker Toru Kubota were both imprisoned in Myanmar for covering anti-junta protests. Their project, Docu Athan, showcases short films by Myanmar human rights storytellers and provides an avenue to support them through donations.⁶⁴

Pro-military groups have allegedly been using social media to harass and abuse Myanmar women activists, according to a *CNN* exposé.⁶⁵ Social media posts on pro-military Telegram channels often contain women's names and addresses, sexually explicit content, and criticisms of their political views.⁶⁶ Some pro-military channels appear to be doxxing women to provide the junta with private information to locate and arrest them.⁶⁷ After the coup, the military initially targeted influential community figures, but since 2021 it has expanded its reach to punish a broader range of critics.⁶⁸

The military junta's aggression towards journalists has forced many to live in exile in neighboring Thailand.⁶⁹ While Thailand is safer than Myanmar, they still face legal, personal, and security issues operating from abroad.⁷⁰ The founder of *Frontier Myanmar*, Sonny Swe, and his team escaped to Thailand in October 2021, following the arrest of managing editor Danny Fenster. When Sonny Swe moved to Thailand, he anticipated staying about two years but now plans to be there for another seven to ten years.⁷¹ According to Sonny Swe, "We have to find a way to sustain ourselves so we can stay in the business and keep an eye on the country. People need to know the truth... That's the most important thing."⁷²

On February 28, Kyaw Zwa Moe, editor of *The Irrawaddy*, published a personal account of his "escape mission," in which he fled Myanmar approximately one year ago to preserve his life and liberty.⁷³ For nearly a year after the coup, Kyaw Zwa Moe was in hiding, periodically shifting locations and disguising himself in public.⁷⁴ He and his colleagues went into exile when junta troops arrested one of *The Irrawaddy's* administrative staff, forcing him to give up the home addresses of the outlet's employees.⁷⁵ Kyaw Zwa Moe writes, "We fled because it's simply not worth getting arrested, tortured and given lengthy prison sentences, if not killed, for doing the work that is our calling—our work with the pen, with words."⁷⁶

IV. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

The Russia-Myanmar Friendship Association signed agreements with business owners in Myanmar for the Ngapali beach resort in Rakhine State on February 4.⁷⁷ The Association president, Anatoly Bulochnikov, also met Min Aung Hlaing in Naypyitaw on January 30 to reportedly discuss tourism and trade with Myanmar's largest arms supplier.

On February 10, Chevron Corp said that it had agreed to sell its assets in Myanmar to a Canadian company, MTI.⁷⁸ Chevron agreed to sell its 41.1% interest in the Yadana Project to a

subsidiary of MTI for an undisclosed amount. Yadana produces natural gas for domestic use and export to Thailand.

In a bid to attract foreign funds for the country's electricity sector, the Myanmar regime has waived taxes on investment in the sector, including the production and distribution of renewable energy.⁷⁹

Nestlé will halt all production in Myanmar, a spokesperson said on February 27.⁸⁰ Due to the "current economic situation," Nestlé's factory and its head office in the commercial hub Yangon would "cease operations," according to a spokesperson. The spokesperson did not provide a timeframe for the cessation.

B. Economic Development—Infrastructure, Major Projects

There have been no material updates since the prior report.

C. Land Seizure

There have been no material updates since the prior report.

V. Peace Talks and Ethnic Violence

A. Ethnic Violence

On February 7, ten junta soldiers were reportedly killed in attacks launched by the Kachin Independence Army ("KIA") in Mansi Township, Kayin State.⁸¹ Further fighting broke out between the KIA and regime troops in Kutkai Township, Shan State.⁸²

On February 8, four junta soldiers were allegedly killed during a raid of a police station by the Chin National Army and the Chinland Defense Force-Thantlang in Thantlang Township, Chin State.⁸³ Military regime fighters responded by bombing the area from fighter jets.⁸⁴

On February 11, six junta soldiers were reportedly killed by a local PDF group formed by the Karen National Liberation Army during a raid on a military camp in Kawkareik Township, Kayin State.⁸⁵

Heavy clashes broke out in Kutkai and Muse Townships, Shan State, after junta regime soldiers raided the territory of a KIA battalion on February 11.⁸⁶ The clashes went on until February 15.⁸⁷

On February 18 and 19, nine junta soldiers were reportedly killed by the Karenni Nationalities Defense Force in Kayah State.⁸⁸

On February 24, the Karenni Army reportedly dropped eight bombs on a junta outpost in Shadaw Township, Kayah State.⁸⁹

B. Peace Talks

On February 5, the New Mon State Party (“NMSP”), an ethnic armed organization in Mon State and the political wing of the Mon National Liberation Army, released a statement saying that holding peace talks only with ethnic armed organizations is not enough, and that the NMSP would join the fight against the regime in every way possible for its own future.⁹⁰

Subsequently, from February 13 to February 15, the NMSP met with the Myanmar military regime in Naypyitaw to discuss and agree on development plans for Mon State, which included the teaching of the Mon language in public schools.⁹¹

However, the agreement faced criticism from the anti-regime Mon State Defense Force, which questioned the feasibility of conducting independent development in Mon State when the whole nation is in a state of chaos.⁹² Moreover, the implementation of the agreement is in doubt because, although the Myanmar military agreed to teach the Mon language in public schools, the teaching will be carried out by the military’s Ministry of Education, rather than Mon organizations.⁹³

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- ³ BBC, February 1, 2023: <https://www.bbc.com/news/world-asia-64481138>.
- ⁴ Reuters, February 2, 2023: <https://www.reuters.com/world/asia-pacific/protesters-mark-myanmar-coup-anniversary-junta-due-make-statement-2023-02-01/>.
- ⁵ *Id.*
- ⁶ Myanmar Now, February 3, 2023: <https://myanmar-now.org/en/news/myanmar-junta-imposes-martial-law-on-resistance-strongholds-reshuffles-cabinet-and-military>; *see also* Myanmar Now, February 3, 2023: <https://www.irrawaddy.com/news/burma/myanmar-junta-extends-military-rule-by-six-months.html>.
- ⁷ The Irrawaddy, February 1, 2023: <https://www.irrawaddy.com/news/burma/myanmar-junta-extends-military-rule-by-six-months.html>.
- ⁸ The Irrawaddy, February 23, 2023: <https://www.irrawaddy.com/news/myanmar-junta-extends-martial-law-in-resistance-stronghold-sagaing-region.html>.
- ⁹ The Irrawaddy, February 3, 2023: <https://www.irrawaddy.com/news/war-against-the-junta/dozens-of-myanmar-junta-forces-officials-killed-in-three-days-of-resistance-attacks.html>.
- ¹⁰ The Irrawaddy, February 8, 2023: <https://www.irrawaddy.com/news/war-against-the-junta/almost-70-myanmar-regime-forces-reported-killed-in-three-days-of-resistance-attacks.html>.
- ¹¹ The Irrawaddy, February 10, 2023: <https://www.irrawaddy.com/news/war-against-the-junta/at-least-33-myanmar-regime-forces-reported-killed-in-three-days-of-resistance-attacks.html>.
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- ¹³ *Id.*
- ¹⁴ The Irrawaddy, February 13, 2023: <https://www.irrawaddy.com/news/nearly-80-myanmar-junta-forces-killed-in-four-days-of-resistance-attacks.html>.
- ¹⁵ *Id.*
- ¹⁶ The Irrawaddy, February 15, 2023: <https://www.irrawaddy.com/news/war-against-the-junta/over-40-myanmar-junta-troops-killed-in-three-days-of-resistance-attacks.html>.
- ¹⁷ The Irrawaddy, February 20, 2023: <https://www.irrawaddy.com/news/over-100-myanmar-junta-forces-killed-in-four-days-of-resistance-attacks.html>.
- ¹⁸ The Irrawaddy, February 21, 2023: <https://www.irrawaddy.com/news/war-against-the-junta/at-least-30-myanmar-junta-troops-killed-in-clashes-in-yedashe.html>.
- ¹⁹ The Irrawaddy, February 20, 2023: <https://www.irrawaddy.com/news/at-least-25-myanmar-junta-soldiers-killed-in-resistance-ambushes-in-magwe.html>.
- ²⁰ *Id.*
- ²¹ *Id.*
- ²² The Irrawaddy, February 27, 2023: <https://www.irrawaddy.com/news/burma/myanmar-regime-raids-displace-25000-in-sagaing.html>.
- ²³ The Irrawaddy, February 14, 2023: <https://www.irrawaddy.com/news/burma/thousands-of-sagaing-homes-lost-in-myanmar-junta-arson-attacks.html>.
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- ²⁶ *Id.*
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- ³⁵ *Id.*
- ³⁶ *Id.*
- ³⁷ The Irrawaddy, March 13, 2023: <https://www.irrawaddy.com/news/burma/court-rejects-appeal-to-seize-land-from-daw-aung-san-su-kyis-charity.html>.
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- ³⁹ *Id.*
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- ⁴² The Irrawaddy, February 2, 2023: <https://www.irrawaddy.com/news/the-world-myanmar/us-says-myanmar-emergency-extension-prolongs-illegitimate-rule.html>.
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- ⁴⁵ Mizzima, February 12, 2023: <https://mizzima.com/article/justice-myanmar-calls-canada-and-uk-sanction-moge>.
- ⁴⁶ Mizzima, February 19, 2023: <https://mizzima.com/article/us-announces-additional-50-million-humanitarian-aid-myanmar-people>.
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- ⁴⁸ The Irrawaddy, March 3, 2023: <https://www.irrawaddy.com/news/burma/nld-expels-four-members-for-collaborating-with-myanmar-junta.html>
- ⁴⁹ *Id.*
- ⁵⁰ *Id.*
- ⁵¹ *Id.*
- ⁵² *Id.*
- ⁵³ *Id.*
- ⁵⁴ Myanmar Now, February 2, 2023: <https://myanmar-now.org/en/news/myanmar-junta-threatens-people-with-imprisonment-for-engaging-with-pro-resistance-facebook>.
- ⁵⁵ *Id.*
- ⁵⁶ *Id.*
- ⁵⁷ *Id.*
- ⁵⁸ The Irrawaddy, February 3, 2023: <https://www.irrawaddy.com/news/burma/martial-law-imposed-on-37-myanmar-townships-including-resistance-strongholds.html>.
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- ⁶⁰ The Irrawaddy, February 23, 2023: <https://www.irrawaddy.com/news/myanmar-junta-extends-martial-law-in-resistance-stronghold-sagaing-region.html>.
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- ⁶⁷ *Id.*
- ⁶⁸ *Id.*
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- ⁷¹ *Id.*
- ⁷² *Id.*
- ⁷³ The Irrawaddy, February 28, 2023: <https://www.irrawaddy.com/opinion/commentary/fleeing-military-ruled-myanmar-mission-accomplished-now-a-greater-task-awaits.html>.
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- ⁷⁵ *Id.*
- ⁷⁶ *Id.*
- ⁷⁷ The Irrawaddy, February 6, 2023: <https://www.irrawaddy.com/news/burma/russian-business-chiefs-sign-tourist-deals-for-myanmar-beach-resort.html>.
- ⁷⁸ Reuters, February 10, 2023: [https://www.reuters.com/business/energy/chevron-agrees-sell-myanmar-assets-will-exit-country-2023-02-11/#:~:text=N\)%20on%20Friday%20said%20it,a%20military%20coup%20in%202021](https://www.reuters.com/business/energy/chevron-agrees-sell-myanmar-assets-will-exit-country-2023-02-11/#:~:text=N)%20on%20Friday%20said%20it,a%20military%20coup%20in%202021).
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- ⁸² *Id.*
- ⁸³ *Id.*
- ⁸⁴ *Id.*
- ⁸⁵ The Irrawaddy, February 13, 2023: <https://www.irrawaddy.com/news/nearly-80-myanmar-junta-forces-killed-in-four-days-of-resistance-attacks.html>.
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⁹² *Id.*

⁹³ *Id.*