

STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

SEPTEMBER 2023 REPORT

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

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I. Coup, Crackdown on Protests and Civilian Resistance

Kim Aris, the son of Aung San Suu Kyi, has expressed serious concerns over his mother's treatment in prison.¹ According to Aris, he has had no way of communicating with her and has not been able to speak to her for over two years.² She is also being denied access to her legal counsel and any other outside visitors.³ In early September, she was reportedly unwell with a serious toothache.⁴ She was reportedly given medication, but her request to see a dentist was denied.⁵

The military continues to see substantial turnover and instability among its ranks, as senior members have been removed over corruption allegations and more soldiers continue to defect. Lieutenant General Moe Myint Tun, viewed as Chief Min Aung Hlaing's protégé, was removed from his leadership positions on the Myanmar Investment Commission, Foreign Exchange Supervisory Committee and the Committee on Ensuring Smooth Flow of Trade and Goods after he was arrested over corruption charges and was replaced by Transport and Communications Minister General Mya Tun Oo.⁶ Moe Myint Tun was also removed from the State Administration Council and was replaced by General Maung Maung Aye.⁷ Lieutenant General Soe Htut was recently moved to the Union Government Office after reportedly being interrogated for leaking information about secret military regime meetings and corruption within those in leadership.⁸ Major General Yan Naung Soe, the joint secretary of the Central Committee on Ensuring Smooth Flow of Trade and Goods, was arrested, reportedly as part of the leadership's efforts to control rising commodity prices and foreign exchange rates.⁹ Since August, twenty soldiers and police have defected from Kayin, Kayah, Chin and Shin States and Bago, Tanintharyi and Sagaing regions, taking arms and ammunition with them.¹⁰

From September 4-7, at least 50 military forces were killed in clashes against the People's Defense Force ("PDF") groups and ethnic armed organizations in Sagaing, Magway, Mandalay and Tanintharyi regions and Chin, Shan, Mon and Kayin States.¹¹ Around 10 of the troops were killed and 15 were injured during an attack on a military base in Thaton Township, Mon State on September 6.¹² At least 31 more troops were killed from September 14-17 in clashes in Naypyitaw, Sagaing, Magway, Mandalay, Bago and Tanintharyi regions.¹³

From September 21-28, at least 40 military troops were reportedly killed in clashes that took place in Chin and Kayin States and in Mandalay, Magway, Sagaing and Tanintharyi regions.¹⁴ Thirty-six of the troops were killed and six were injured when resistance groups attacked three battalions in Taung Kyar Inn Village, Kyondoe Town from September 22-26.¹⁵ At least 31 military troops and 27 resistance fighters were killed from September 20-24 in clashes in Kachin, Mon and Kayin States and Sagaing, Magway and Mandalay regions.¹⁶ Twenty-four of the resistance fighters and two civilian administrators were killed after they were detained by the military in Myinmu Township, Sagaing region.¹⁷

Village raids conducted by the military continue to cause civilians to flee their homes, particularly in Sagaing Region. On September 2, nearly 800 military troops attacked northern Sagaing from Wetlet to Shwebo Townships, causing more than 25,000 civilians from at least 31 villages to flee their homes and shelter in the forest.¹⁸ By September 6, more than 4,000 residents were displaced and at least three civilians were killed from Shwebo Township alone.¹⁹ In Wetlet Township, by September 6, it is believed that tens of thousands of residents from more

than 50 villages had fled their homes.²⁰ On September 5, around 5,000 residents from nine villages were forced to abandon their homes after the military raided a village in Katha Township and burned down an estimated 30 houses.²¹ In late September, tens of thousands of civilians fled their homes in Depayin and Ye-U Townships after around 150 soldiers raided the area on September 25.²²

II. Political Developments

A. Rohingya Refugee Crisis

According to the *Irrawaddy*, the Arakan Rohingya Salvation Army (“ARSA”) has spread throughout Maungdaw Township in Rakhine State, intimidating and kidnapping residents for ransom.²³ Business owners in Maungdaw and Buthidaung Townships fear they will be kidnapped for ransom, said a Muslim from Buthidaung.²⁴ “Refugees in Bangladesh have rejected ARSA and it is unpopular in Rakhine State, so its fighters are short of food. They kidnap fellow Muslims for ransom.”²⁵ On August 12, two Muslim villagers were abducted by approximately 20 ARSA troops while driving to Kyein Chaung village.²⁶ Arakan Army (“AA”) spokesman Khaing Thukha said the armed group is closely monitoring Maungdaw Township.²⁷

According to residents, ARSA abducted and killed a Muslim villager in Buthidaung Township, Rakhine State on September 9.²⁸ A resident said the victim was killed because of his alleged ties to the AA as a boatman who ferried goods for the AA.²⁹

The Danish subsidiary of Germany’s MAN Energy Solutions supplied engines, equipment and training for the Myanmar navy’s flagship during the Rohingya genocide, according to Danish newspaper *Politiken*.³⁰ The newspaper found that MAN delivered two engines and other equipment for the UMS Moattama, a Landing Platform Dock ship in 2018.³¹ The reporting triggered a request from the Denmark parliament’s Foreign Affairs Committee for an investigation.³² In July this year, the German state prosecutor in Augsburg launched a criminal investigation into MAN Energy Solutions over allegations that it supplied key components to the UMS Moattama in violation of Germany’s Foreign Trade Law and European Union Dual Use Regulations.³³

B. Corruption

The Myanmar regime’s so-called “kickback king,” Lieutenant General Moe Myint Tun, was placed under house arrest for corruption after an investigation that led to the arrest of one of his key subordinates and the interrogations of many businessmen who had dealings with the lieutenant general.³⁴ As part of a campaign to rein in soaring commodity prices and foreign exchange rates, the junta arrested Major General Yan Naung Soe, who led the junta’s Central Committee on Ensuring Smooth Flow of Trade and Goods.³⁵ Since then, the regime has interrogated hundreds of importers, exporters, bankers and officials at military-owned businesses such as Myawaddy Bank and Myanmar Economic Corporation.³⁶ The interrogations revealed that Moe Myint Tun has squirreled away millions of U.S. dollars in bribes from businessmen over the past two years.³⁷ On September 19, the junta launched an internal investigation into Moe Myint Tun.³⁸ On September 20, Moe Myint Tun was removed from his leadership roles on the Myanmar Investment Commission, Foreign Exchange Supervisory Committee and Central

Committee on Ensuring Smooth Flow of Trade and Goods.³⁹ He was replaced by Transport and Communications Minister General Mya Tun Oo.⁴⁰ On September 25, Moe Myint Tun and Lieutenant General Soe Htut were purged from the State Administration Council for corruption.⁴¹

C. International Community / Sanctions

Following a meeting of the Association of Southeast Asian Nations (“ASEAN”) in Jakarta in early September, ASEAN leaders directly blamed the ruling junta for violence and attacks on civilians in Myanmar and “strongly condemned the continued acts of violence in Myanmar.”⁴² ASEAN leaders “urge the Myanmar Armed Forces in particular, and all related parties concerned in Myanmar to de-escalate violence and stop targeted attacks on civilians, houses and public facilities, such as schools, hospitals [and] markets.”⁴³

Although ASEAN has excluded the junta’s senior leadership from attending summits, ASEAN continues to engage with the regime at a ministerial level.⁴⁴ ASEAN even allowed the Myanmar junta Air Force Chief General to chair its annual Air Chiefs Conference.⁴⁵ Indonesia, Malaysia, the Philippines and Singapore refused to attend the conference as a result.⁴⁶ Advocacy group Justice for Myanmar condemned ASEAN for allowing Myanmar to chair the conference, accusing ASEAN of “emboldening war criminals.”⁴⁷

On September 12, Myanmar Foreign Minister Than Swe met with his Russian counterpart, Sergey Lavrov, in Moscow; the junta did not release details about his visit, though Russia is one of the junta’s key arms supplier.⁴⁸ On September 18, two junta ministers met with China’s special envoy to Myanmar to discuss upgrading relations between the two countries as well as closer collaboration with China in ASEAN affairs and in the United Nations (“UN”).⁴⁹ India and Thailand have also held recent talks with junta generals and ministers to discuss bilateral cooperation.⁵⁰

In response to the heavy toll that U.S. and European sanctions are taking on the country, the Myanmar junta is seeking to join the BRICS group, which includes China, India and Russia, three of its main allies.⁵¹

Following reports that the Myanmar junta is blocking Aung San Suu Kyi from receiving urgent medical treatment, the UN has voiced concern: “We have called and continue to call for her release.”⁵² More than half of Malaysian lawmakers also issued a statement calling for the release of Aung San Suu Kyi and requesting that she be provided medical treatment.⁵³

III. Civil and Political Rights

A. Freedom of Speech, Assembly and Association

More than 50 political prisoners, including pro-democracy activist Wai Moe Naing, staged a hunger strike in Sagaing’s Monywa prison for six days⁵⁴ in September.⁵⁵ The protest began when 14 political prisoners staged a hunger strike after their food, clothes, books and other possessions were seized during a special inspection by military and police intelligence personnel.⁵⁶ Three of the initial 14 who went on hunger strike lapsed into unconsciousness due

to lack of food, said the Monywa People’s Strike Committee.⁵⁷ However, the Prison Department refused to provide them with medical attention and the prison clinic is closed, it added.⁵⁸

B. Freedom of the Press and Censorship

On September 6, a military tribunal sentenced *Myanmar Now* photojournalist Sai Zaw Thaike to 20 years in prison with hard labor for his coverage of Cyclone Mocha.⁵⁹ After the cyclone, the junta blocked aid groups from traveling to Rakhine State.⁶⁰ Sai Zaw Thaike was arrested after documenting the cyclone’s aftermath in Rakhine in late May and was moved to Insein Prison in June.⁶¹ He was charged with misinformation, incitement and sedition under various statutes, including section 505(a).⁶² Twenty years in prison is the longest prison term the junta has imposed on a media professional since the coup.⁶³ After Sai Zaw Thaike’s sentencing, Reporters Without Borders called on the international community to step up pressure on the Myanmar regime to release 70 jailed journalists.⁶⁴

Around September 9, the junta revoked the license of Dr. Phyo Thiha’s publishing house, *Piti Eain Literature*.⁶⁵ The junta deemed the publisher a threat to national security, the rule of law and public order, but did not specify which specific books were problematic.⁶⁶ Dr. Phyo Thiha is involved in the civil disobedience movement and is reportedly being targeted for his anti-junta social media posts.⁶⁷ According to another publisher, the revocation is “a warning and threat to the entire publishing community.”⁶⁸ Since the coup, the military junta has allegedly revoked the publishing licenses of four publishers and two printing houses.⁶⁹

IV. Economic Development

A. Economic Development—Legal Framework, Foreign Investment

The military regime detained and questioned Thein Win Zaw, who has close ties to junta boss Min Aung Hlaing’s family, amid a crackdown over surging commodity prices.⁷⁰ Thein Win Zaw is the owner of Shwe Byain Phyu Co, which has interests in gas stations, gem mining, telecoms and logging.⁷¹ The arrest came after the regime held a press conference to announce that soaring food prices were due to market manipulation by unscrupulous businesspeople.⁷²

The junta-controlled Central Bank of Myanmar (“CBM”) has revoked the licenses of another 123 currency exchange companies, raising the number of licenses revoked within the last 11 months to 168.⁷³ The CBM cited a failure to comply with the bank’s rules and directives as reason for the revocations.⁷⁴ However, economists and currency traders say the move is an effort to gain control of foreign currency flows to prevent the national currency from depreciating further.⁷⁵

The Myanmar Rice Federation set price controls on the sale of rice by farmers to dealers, saying the price would ensure appropriate profits for farmers, stabilize rice prices and reduce the financial burden on consumers hit by surging food prices.⁷⁶ However, farmers say that the controls will only allow them to scrape by, at best.⁷⁷

CBM Governor Than Swe and 43 other officials at the junta-controlled bank have been designated terrorists by the National Unity Government (“NUG”) for financing war crimes.⁷⁸

The Central Bank of Myanmar has misused public funds and is complicit in the purchase of military equipment, jet fuel and weapons used to kill civilians, the NUG's Central Group for Counter-Terrorism announced.⁷⁹ People are suffering from surging inflation and high commodity prices because the central bank has not implemented a monetary policy to stabilize prices, but has instead been the main financier of the junta and over printed kyats, the Central Group for Counter-Terrorism said.⁸⁰

The junta's energy minister, former Major-General Ko Lwin, and the president of the Russia-Myanmar Association for Friendship and Cooperation, Anatoly Bulochnikov, discussed potential cooperation in the oil and gas sector during their meeting in Naypyitaw on September 26.⁸¹ The two discussed technical cooperation for inland and offshore petroleum and gas exploration, building oil and gas pipelines and opportunities for Russian companies to cooperate in petroleum refining and supplying fuel in Myanmar.⁸²

B. Economic Development—Infrastructure, Major Projects

Myanmar's Deputy Prime Minister, Mya Tun Oo, attended a transport forum in Beijing to discuss the development of train links between southern China and Mandalay and Rakhine State.⁸³ The US\$9 billion project will connect to the Chinese rail network at the border town of Ruili in China's Yunnan Province.⁸⁴ Additionally, China is developing a deep-sea port in Kyaukphyu, Rakhine State, which would provide an alternative trade route bypassing the congested Strait of Malacca.⁸⁵

C. Land Seizure

There have been no material updates since the prior report.

V. Peace Talks and Ethnic Violence

A. Ethnic Violence

At least 30 Myanmar troops were killed and many others injured on September 2 in attacks by the Karenni Army, Karenni Nationalities Defense Force ("KNDF") and PDFs in Demoso Township, eastern Kayah State, according to the KNDF.⁸⁶

The Karen National Union claims its armed wing, the Karen National Liberation Army ("KNLA"), seized a Myanmar junta base in Papun Township, Kayin State on September 6.⁸⁷ Troops reportedly abandoned the base during the attack.⁸⁸ The KNLA also seized a junta outpost near the Thai border in Kawkareik Township, Kayin State on September 14.⁸⁹

At least four clashes broke out between junta forces and the Kachin Independent Army ("KIA") in Waingmaw and Hpakant Townships in northern Kachin State in the days following September 9.⁹⁰

The junta military has launched a major operation against the KIA in a bid to recapture an outpost in Lailum Aungja Village, near Laiza Township, Kachin State, which the KIA seized on September 16.⁹¹ Additional clashes between the junta and the KIA also broke out in at least

three locations on the Bhamo-Myitkyina.⁹² On September 20, the KIA seized a junta base in Sumprahum Township, Kachin State.⁹³

Fighting has escalated between the junta and the Ta'ang National Liberation Army (“TNLA”) in Mogoke Township, Mandalay Region.⁹⁴ Clashes broke out on September 10 after junta troops raided a village to the south of Mogoke town where TNLA troops were based.⁹⁵ Frequent fighting has since been reported in the area.⁹⁶ The clashes have resulted in thousands of civilians fleeing their homes.⁹⁷

B. Peace Talks

There have been no material updates since the prior report.

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