# STATUS OF HUMAN RIGHTS & SANCTIONS IN MYANMAR

# **NOVEMBER 2023 REPORT**

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

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# I. Coup, Crackdown on Protests and Civilian Resistance

According to the latest report on Myanmar from the United Nations High Commissioner for Refugees ("UNHCR"), more than 333,500 residents have been displaced since the start of what the report states is the "largest and most geographically widespread escalation" in clashes between the military and resistance groups since the February 2021 military coup. This escalation in conflict is largely due to Operation 1027, a series of coordinated attacks by the Brotherhood Alliance, made up of the Myanmar National Democratic Alliance Army, the Ta'ang National Liberation Army and the Arakan Army ("AA"), and members of Peoples Defense Forces ("PDFs") that began on October 27. According to the Brotherhood Alliance, it had already occupied 150 military outposts or bases and at least five towns in Shan State and Sagaing Region by November 9. At least 100 soldiers were killed and around 60 soldiers surrendered to the Alliance during the first five days of the operation. By November 17, more than 150 civilians were killed. The level of coordination of Operation 1027 has not been seen since the 2021 coup, and, according to certain analysts and diplomats, it is possible that the operation has China's blessing.

The UNHCR noted that the escalation in fighting mainly affected the Sagaing region, Shan, Kayah, Rakhine and southern Chin states.<sup>8</sup> The UN also highlighted the situation in Pauktaw Township, Rakhine region, where around 20,000 people have fled since clashes began and around 26,000 Rohingya in refugee camps cannot be reached by members of the UN team.<sup>9</sup>

The Brotherhood Alliance has focused much of its efforts on seizing military positions in Shan State. The UNHCR estimates that around 82,000 people have been displaced, at least 50 people have been killed and more than 100 were injured in Shan State since late October. By November 2, more than 25,000 people in northern Shan State had fled their homes and at least 13,000 of them fled to neighboring towns. As of early November, around 500 foreigners, including around 189 Thai nationals, were reportedly captured by the military in Laukkai town, northeastern Shan State, where the Brotherhood Alliance hopes to establish a base of operations. Volunteers and residents report that the military is using them as "human shields" by forcing them to be on the front lines of conflict, as well as using them to build bunkers for the soldiers.

Less than a week after Operation 1027 began in Shan State, the Brotherhood Alliance expanded their attacks to Sagaing Region. Around 40,000 residents were displaced in early November when resistance groups seized Kawlin and Khampat towns in Sagaing Region.<sup>14</sup> The Arakan Army, Kachin Independence Army and the All Burma Students' Democratic Front clashed with military forces in Tigyaing, Sagaing Region on November 9.<sup>15</sup> On November 22, resistance groups conducted a joint attack resulting in the seizure of a military base in Kani Township, which is strategically located along a major transport route, Monywa-Minkin Road.<sup>16</sup> On the same day, resistance groups also seized Taze town, particularly targeting the military troops posted at the town's police station and administration building.<sup>17</sup>

In Chin State, the Chin National Front ("CNF") seized the Reh Khaw Da military base on November 13.<sup>18</sup> CNF spokesman, Salai Htet Ni, noted the takeover of Reh was the first town the CNF took control of in Chin State and that it continued to take over several surrounding military bases.<sup>19</sup>

Also in mid-November, the AA advanced on several junta military bases in the north of Rakhine State in western Myanmar, seizing four junta outposts and taking over other abandoned outposts as part of Operation 1027.<sup>20</sup>

As Operation 1027 continued throughout November, the fighting increasingly grew closer to the border with China, culminating in a drone attack on the Kyin San Kywat border gate. This attack resulted in over 100 cargo trucks destroyed with losses totaling approximately 30 billion kyats (or over USD \$14.33 million), although the Brotherhood Alliance denied reports that it was behind the drone attack.<sup>21</sup> As the fighting continued, the Chinese military conducted live-fire drills along its border with Myanmar, the first such drills since 2017.<sup>22</sup> China has also called on all parties to exercise restraint and move toward a ceasefire.<sup>23</sup>

While Operation 1027 has mostly been focused in northern Shan State, Chin State and Sagaing Region, resistance forces that are local to Kayah State also began to conduct their own operations in their areas. The Karenni National People's Liberation Front, the Karenni Army, KNDF and PDFs began "Operation 1107" on November 7 by occupying two military bases in Mese Township, Kayah State.<sup>24</sup> A few days later, the Karenni Army, Karenni Nationalities Defense Force, Karenni National People's Liberation Front and PDFs<sup>25</sup> began "Operation 1111" and focused their efforts on Loikaw, the capital of Kayah State.<sup>26</sup> Over the first 10 days of the operation, more than 200 military troops and 45 resistance group members were reportedly killed, and more than 20 military bases and outposts in Loikaw, Demoso and Pekon Township in southern Shan State were seized.<sup>27</sup> By the end of the month, more than 35 military outposts and bases were seized.<sup>28</sup> The military blocked the main road that serves as an exit from Loikaw during these attacks, preventing tens of thousands of Loikaw residents from fleeing their city amidst heavy attacks and military airstrikes and preventing volunteers from evacuating and offering medical assistance to residents.<sup>29</sup> Eventually, by November 30, more than 40,000 Loikaw residents were able to flee their homes and seek safety.<sup>30</sup>

Similar to Operation 1111, Operation Rung was launched by the Chinland Defense Force to support the efforts of Operation 1027 by expanding attacks against the military in Chin State. 

It began through a series of attacks against the military from November 27-28 in the town of Hakha, which is the capital of Chin State. 

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Residents of the Yangon Region have been shutting down their businesses and rushing back to their residences early in the evening out of fear since reports have spread that the military has been forcing men to work as military porters and extorting their family members for money in order to release them.<sup>33</sup> The military has denied such reports.<sup>34</sup> Soldiers have also begun to appear in public schools while classes are in session, which has not occurred since the weeks immediately following the February 2021 military coup, causing parents to fear bringing their children to school.<sup>35</sup>

### II. Political Developments

### A. Rohingya Refugee Crisis

Médecins Sans Frontières, which has been providing essential medical services to the Rohingya refugee population, has announced a reduction in its services due to lack of funding and overwhelming strain on its resources. The World Food Program also announced a planned reduction in the value of food vouchers for the Rohingya population.<sup>36</sup>

The European Union released an additional €10.5 million in humanitarian aid to address the needs of people in Myanmar and Rohingya refugees and their host communities living in Bangladesh, as reported by the Directorate-General for European Civil Protection and Humanitarian Aid Operations.<sup>37</sup> This additional funding will provide food, nutrition assistance, and emergency aid and will support partners in providing basic services such as access to healthcare, water, sanitation and education.<sup>38</sup>

Asia News Network reports that the Myanmar delegation that recently visited the Cox's Bazar refugee camps in Bangladesh to brief refugees about the repatriation process, citizenship procedures and relevant facilities did not commit to returning the refugees to their original homes in Myanmar, only stating that they would discuss the matter with higher authorities in Naypyidaw.<sup>39</sup> Instead of repatriating the Rohingya to their own villages in North Maungdaw and nearby places, as demanded by the refugees, it appears that the authorities are planning to repatriate them to 20 model villages on a pilot basis.<sup>40</sup>

Rohingya resettlement from Bangladesh, mainly to the United States and Canada, has increased in 2023, although over one million refugees remain in Bangladesh. The United Nations High Commissioner for Refugees has arranged for 355 Rohingya to be resettled in the U.S., while 307 others are having applications verified, according to Bangladesh's home ministry. Canada received 131 Rohingya refugees and 148 others are being verified. Australia received, while 62 others traveled to the Netherlands, Italy, Argentina, Sweden, the UK, Ireland, Germany and Japan.

According to *Arab News*, nearly 200 Rohingya refugees landed in Indonesia on November 14 after a dangerous sea journey, the largest contingent of Rohingya refugees to arrive in months.<sup>45</sup>

#### B. Corruption

The *Irrawaddy* and *VoA News* report that ex-Lieutenant General Soe Htut, who was home affairs minister as well as a member of the ruling State Administration Council and reportedly under investigation since September, was sentenced to five years in prison on corruption charges by a military court. <sup>46</sup> *VoA News* cites the junta's Newspaper, Global New Light of Myanmar and reports that "Soe Htut abused his rank and authority by directing subordinates to issue passports to companies at their request, accepted bribes and failed to ensure that financial rules and regulations were followed for the staff welfare fund of the home affairs ministry." <sup>47</sup>

### C. International Community / Sanctions

On October 27, Canada added an additional 39 individuals and 22 entities that perform key functions on behalf of the Myanmar military regime to its sanctions list and issued a prohibition on the provision of shipping insurance for aviation fuel to Myanmar.<sup>48</sup> These newly

sanctioned individuals include current senior officials within the military regime and senior managers within entities that produce revenue for the regime or procure arms or key resources used by the regime.<sup>49</sup>

On October 31, the United States imposed targeted sanctions on the Myanma Oil and Gas Enterprise to disrupt the regime's access to the U.S. financial system and curtail its ability to perpetrate atrocities pursuant to Executive Order 14014, "Blocking Property With Respect to the Situation in Burma." Additionally, on that date, the U.S. coordinated with Canada and the United Kingdom to align their sanctions on the military regime. The U.S. designated three entities and five individuals in these sanctions and urged all countries to take tangible measures to halt the flow of arms, aviation fuel and revenue to the military regime. The U.S., Canada and UK jointly condemned the Myanmar military's "ongoing assaults on those in the country striving for genuine peace and democracy." The UK added to its sanctions list five individuals and one entity involved either in providing financial services to the regime or the supply of restricted goods including aircraft parts. 51

The U.S. Congress, however, did not resolve debates this month over humanitarian aid to Myanmar, as Congress delayed passage of a final budget for 2024. 52

On November 4, the head of Myanmar's military government met with the Russian Navy's chief Admiral to discuss ways to advance bilateral ties leading up to the two nations' first joint naval exercise on November 7. Also on November 7, the junta-appointed Central Bank of Myanmar governor met with Russian financial representatives to discuss usage of the kyat and ruble in trade and bank transactions in an effort to avoid international sanctions being placed on the two nations. Also on November 7 and the Russian financial representatives to discuss usage of the kyat and ruble in trade and bank transactions in an effort to avoid international sanctions being placed on the two nations.

On November 6, the UN expressed concern about the heavy fighting taking place in northern Shan State, reaffirmed that civilians should be protected and called for unimpeded access to humanitarian aid within Myanmar.<sup>55</sup>

On November 7, China confirmed Chinese casualties as a result of border fighting in Myanmar. China, through its Foreign Ministry spokeswoman, urged all parties involved in the civil war in Myanmar to cease fire as soon as possible and resolve differences through dialogue and negotiation. China further demanded that Myanmar take practical and effective measures to ensure the security and stability of the China-Myanmar border. These statements were preceded by a visit to Myanmar in the first week of November during which the assistant Chinese foreign minister urged the Myanmar regime to strengthen security for Chinese institutions and personnel in the country. China has also been conducting additional military exercises at the China-Myanmar border throughout the month of November. However, China still sent three navy ships to Myanmar on November 27 to conduct joint drills with the Myanmar navy in a visit reflecting the "strong friendship" between the two nations' militaries.

In a scathing open letter issued by over six-hundred civil service organizations on November 10, both Finland and Switzerland were criticized for lending legitimacy to the Myanmar junta's sham peace efforts. <sup>62</sup> In the letter, Finland was criticized for inviting members of the junta's Peace Committee to a secret meeting in Helsinki, while Switzerland was criticized

for organizing a workshop with junta officials in Naypyidaw on the Nationwide Ceasefire Agreement. The letter noted that these actions signaled recognition, acceptance and support of the military regime and undermined international sanctions targeting the junta and the letter called on the two nations to end all engagements with and support of the Myanmar military junta. He was a support of the Myanmar military junta.

On November 16, the International Court of Justice announced that Denmark, France, Germany, the Netherlands and the UK had joined with Canada in filing a declaration of intervention in the case brought by Gambia alleging genocide against the Rohingya by the Myanmar military. The Maldives also filed a separate declaration to join the case.

On November 20, the President of the Philippines said that there is commitment from the Association of Southeast Asian Nations ("ASEAN") to push for a resolution to the Myanmar civil war.<sup>67</sup> He further noted that the humanitarian cost of the conflict has grown exponentially in recent years and that the Philippines has already been impacted by the conflict in Myanmar, but noted that it is a "very, very difficult problem" for ASEAN to resolve.<sup>68</sup>

A senior member of the National Unity Government ("NUG") called on Japan to increase diplomatic and economic pressure on Myanmar in a meeting with Japanese lawmakers in Tokyo on November 21 in advance of the Japan-ASEAN summit being held in Tokyo in December. <sup>69</sup> The official further requested that Japan provide humanitarian assistance to displaced people through organizations run by the NUG instead of through the military regime. <sup>70</sup>

On November 24, Indonesia announced that it hosted positive talks with the main sides of the Myanmar conflict between November 20 and 22 in Jakarta.<sup>71</sup> The meeting involved representatives from pro-democracy groups, armed groups belonging to ethnic minorities, the ruling junta, and the NUG.<sup>72</sup> The primary aim of this meeting was to push forward the implementation of ASEAN's Five-Point Consensus peace plan.<sup>73</sup> The meeting was preceded by a November 15 ASEAN conference in Jakarta that saw the ASEAN defense chiefs issue a joint declaration urging all parties in Myanmar to "cease all violence and exercise utmost restraint" and reiterated ASEAN's call for Myanmar's junta rulers to implement the peace plan.<sup>74</sup>

#### III. Civil and Political Rights

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

Fourteen men were sentenced to death in Ayeyarwady Region by the Pyapon District Judge under Section 302-1(b) of the Penal Code, for allegedly being involved with PDFs. <sup>75</sup> According to a Pyapon political activist, these men "are not associated with the PDFs" and "[s]ome of them were involved in the Civil Disobedience Movement and protests." <sup>76</sup> It was also suspected that they might have been mistreated during interrogation, leading to them making false confessions. <sup>77</sup>

On November 20, the junta-appointed Union Election Commission dissolved the Shan State Kokang Democratic Party ("SSKPD") for failure to recruit at least 1,000 members within 90 days of registration.<sup>78</sup> SSKPD is a major rival of the junta-backed Union Solidarity and Development Party ("USDP") in Kokang Self-Administered Zone.<sup>79</sup> The Political Parties

Registration Law promulgated by the junta regime requires political parties to re-register and effectively dissolves existing political parties in favor of the USDP, according to political observers.<sup>80</sup>

On November 23, the communications ministry of the junta regime said that anyone setting up, operating, possessing and using unlicensed satellite, radar and radio communications equipment will be prosecuted under the Telecommunication Law and can be jailed for up to a year.<sup>81</sup> The regime has restricted mobile access to internet services in parts of Sagaing and Magwe regions and Kachin, Chin and Kayah States since the 2021 coup.<sup>82</sup>

On November 29, Ye Htut, Myanmar's former information minister, was sentenced to 10 years in prison for sedition and incitement against the military, weeks after he was arrested for exposing the address of a retired military officer through posts on Facebook.<sup>83</sup> Ye Htut served as the information minister and presidential spokesperson under the military government of Thein Sein, which ceded power to Aung San Suu Kyi following the 2015 elections.<sup>84</sup> While serving as the information minister, Ye Htut earned the moniker "the Facebook Minister" for his frequent posting on the social media network.<sup>85</sup> He was also particularly active on Facebook in the wake of the 2021 military coup.<sup>86</sup>

## B. Freedom of the Press and Censorship\_

On October 29, the military junta raided a Sittwe, Rakhine-based news outlet, *Development Media Group* ("*DMG*").<sup>87</sup> Earlier that day, reporter Htet Aung was arrested at a local religious festival and forced to reveal the location of *DMG*'s office.<sup>88</sup> Junta personnel reportedly forced their way into the office, arrested a night security guard, Soe Win Aung, and seized computers, cameras and bankbooks.<sup>89</sup> The rest of *DMG*'s staff went into hiding after the raid.<sup>90</sup> In response to the raid and arrests, a local news agency official said, "[n]o matter how they suppress us, we will report the truth from the ground as much as we can."<sup>91</sup>

On November 12, *Radio Free Asia* reported that the military junta is increasingly using state media outlets and pro-junta telegram channels to amplify its propaganda. At least fourteen independent news outlets have had their licenses revoked by the junta since the coup. However, junta-controlled media outlets such as Yangon's Thazin FM continue to operate. Thazin FM's call-in program, "Public Voices Among Public" contains callers parroting pro-junta talking points and conveying a general message that the NUG and the anti-junta PDFs are causing problems.

On November 16, the Myanmar regime amended the Broadcasting Law for the second time since the coup, bringing the Television and Radio Broadcasting Council, which is in charge of supervising broadcasting outlets, under direct junta control. The regime can now appoint members to the council, which was previously described to be "autonomous and independent from government authorities." The latest amendment also revoked council members' term limits and nomination and election process. 98

## IV. <u>Economic Development</u>

## A. Economic Development—Legal Framework, Foreign Investment

China signed a power purchase agreement with Myanmar's regime on November 10 in Naypyidaw for the purchase of electricity from three solar projects jointly implemented by PowerChina Resources Ltd and Myanmar's electricity ministry. The power plants, each with an installed capacity of 30 megawatts, are in the resistance strongholds of Magwe and Mandalay regions. Magwe and Mandalay regions.

# B. Economic Development—Infrastructure, Major Projects

Myanmar's regime is inviting bids to construct a deepwater seaport at Kyaukphyu in Rakhine State as part of China's Belt and Road Initiative. The special economic zone committee, chaired by the junta's commerce minister, Tun Ohn, has set criteria for applicants, including business experience and infrastructure development background. The project requires a minimum annual turnover and investment. The Kyaukphyu port and special economic zone are crucial components of the China-Myanmar Economic Corridor, connecting Yunnan province to the Indian Ocean.

#### C. Land Seizure

There have been no material updates since the last report.

#### V. Peace Talks and Ethnic Violence

### A. Ethnic Violence

Please see "Coup, Crackdown on Protests and Civilian Resistance" above.

#### B. Peace Talks

There have been no material updates since the last report.

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- <sup>4</sup> The Irrawaddy, November 9, 2023: https://www.irrawaddy.com/news/burma/brotherhood-alliance-vows-to-spread-operation-1027across-myanmar.html.
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- <sup>6</sup> *Id*. <sup>7</sup> *Id*.
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- <sup>18</sup> The Irrawaddy, November 14, 2023: <a href="https://www.irrawaddy.com/news/war-against-the-junta/chin-resistance-seizes-indian-border-">https://www.irrawaddy.com/news/war-against-the-junta/chin-resistance-seizes-indian-border-</a> town-from-myanmar-junta.html.
- <sup>19</sup> *Id*.
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- <sup>43</sup> *Id*.
- <sup>44</sup> Id.
- <sup>45</sup> Arab News Network, November 14, 2023: <a href="https://www.arabnews.com/node/2408456/world">https://www.arabnews.com/node/2408456/world</a>.

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