



# ALTSEAN BURMA



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## BURMA/MYANMAR: Ongoing attacks against civilians and faltering peace process

In March 2018, United Nations (UN) Special Rapporteur on the human rights situation in Myanmar, Yanghee Lee, expressed concern that the peace process was “losing its momentum.” Ethnic armed organizations (EAOs) stated this was largely due to a lack of trust in the Tatmadaw - the Burmese military - who continue to impede peace talks, flout provisions of the nationwide ceasefire agreement (NCA), commit human rights abuses, and violate international law.<sup>1</sup> Meanwhile, the government’s attacks on press freedom and human rights defenders who document these abuses – see *Attacks on the media* section below – ensures that a culture of impunity can continue to flourish.

The establishment of genuine justice mechanisms to achieve accountability for past and ongoing crimes against ethnic minorities, as well as security sector and constitutional reforms to prevent recurrence, are critical to achieving durable peace in Myanmar. Until then, the Tatmadaw will remain the single largest impediment to peace in Burma, and serious rights violations, atrocity crimes and conflict will continue.

### No reduction in attacks on civilians despite peace talks

The Tatmadaw continue to derail peace talks with both NCA signatory and non-signatory EAOs with ongoing military attacks against EAOs and civilians. In October, an official from the Karen National Union commented on this tactic stating: “They [Tatmadaw] always try to push the line to see if there will be any response from our side [...] they’ve used it to wear down our soldiers’ patience.”<sup>2</sup>

	Peace talks	Ongoing violence
Sep 2018	5 <sup>th</sup> : The Union Peace Commission held a two-hour meeting with representatives of the Arakan Army (AA), the Myanmar National Democratic Alliance Army (MNDAA), and the Ta'ang National Liberation Army (TNLA) in Kunming, China. <sup>3</sup>	5 <sup>th</sup> : Tatmadaw forces <b>abducted two civilians</b> from their homes in Hpakant Township, Kachin State and charged them under the Unlawful Associations Act. <sup>4</sup> 11 <sup>th</sup> : Tatmadaw soldiers <b>raided and shot</b> at a house in Hpakant Township, Kachin State, arresting three Rakhine civilians before accusing them of being AA members. The AA said they were not members of their ethnic armed organization. <sup>5</sup> 22 <sup>nd</sup> -25 <sup>th</sup> : The Tatmadaw <b>detained seven civilians</b> after two soldiers disappeared in Mongpan Township, Shan State. <sup>6</sup> 29 <sup>th</sup> -30 <sup>th</sup> : Around 200 civilians were displaced after Tatmadaw troops attacked TNLA soldiers in Muse and Kutkai Townships, Shan State. <sup>7</sup>

<sup>1</sup> UN Special Rapporteur on Myanmar (9 Mar 18) Report of the Special Rapporteur on the situation of human rights in Myanmar

<sup>2</sup> Karen News (4 Oct 18) Burma Army Attacks On Karen Villagers, Displacing 340 Villagers – Clear Violation Of NCA

<sup>3</sup> RFA (5 Sep 18) Ethnic Armed Groups Meet in China With Myanmar Peace Commission

<sup>4</sup> AAPP (15 Oct 18) Monthly Chronology of September 2018 and Current Political Prisoners list

<sup>5</sup> Irrawaddy (13 Sep 18) Myanmar Army Raids Home, Detains Alleged Arakan Army Insurgents

<sup>6</sup> AAPP (15 Oct 18) Monthly Chronology of September 2018 and Current Political Prisoners list

<sup>7</sup> Free Burma Rangers (15 Oct 18) Clash Summary: Chaos Reigned in Northern Shan State in September

<p><b>Aug 2018</b></p>	<p><b>5<sup>th</sup>:</b> Meeting between the Kachin Independence Organization (KIO) and the Tatmadaw ended abruptly in Dali, China.<sup>8</sup></p> <p><b>14<sup>th</sup>:</b> Meeting between Northern Alliance EAOs and Tatmadaw postponed.<sup>9</sup></p>	<p><b>3<sup>rd</sup>:</b> The Tatmadaw <b>detained 18 civilians</b> in Shan State.<sup>10</sup></p> <p><b>21<sup>st</sup>:</b> The TNLA reported <b>over 15 clashes</b> with the Tatmadaw across Shan State in the five weeks since the conclusion of the 3<sup>rd</sup> Session of Panglong Conference in July.<sup>11</sup></p> <p><b>30<sup>th</sup>-31<sup>st</sup>:</b> <b>Over 200 civilians displaced</b> by fighting between the Tatmadaw and the Karen National Liberation Army.<sup>12</sup></p>
<p><b>Jul 2018</b></p>	<p><b>11<sup>th</sup>-16<sup>th</sup>:</b> The 3<sup>rd</sup> Session of the Panglong Peace Conference was held in the capital, Naypyidaw. Roughly 2,000 representatives of EAOs, political parties, civil society groups, and the Tatmadaw attended.<sup>13</sup></p>	<p><b>9<sup>th</sup>:</b> <b>Over 2,800 civilians displaced</b> in Namtu, Mongkaing, and Namhkan townships, Shan State by Tatmadaw clashes with the Restoration Council of Shan State/Shan State Army.<sup>14</sup></p> <p><b>11<sup>th</sup>:</b> Tatmadaw soldiers <b>tortured, raped and killed six female medics</b> in Namhkan township, Shan State.<sup>15</sup></p> <p><b>12<sup>th</sup>-15<sup>th</sup>:</b> The Tatmadaw clashed with Karen National Liberation Army (KNLA) in Hpapun township, Kayin State in <b>violation of NCA</b>.<sup>16</sup></p> <p><b>31<sup>st</sup>:</b> <b>The Border Guard Forces assaulted two Kachin youth pastors</b> in Waingmaw township, Kachin State.<sup>17</sup></p>
<p><b>Jun 2018</b></p>	<p>No peace talks were recorded in June.</p>	<p><b>23<sup>rd</sup>:</b> Tatmadaw and Border Guard Force (BGF) soldiers <b>occupied a New Mon State Party (NMSP) outpost in the village of Kanalou</b> in Mon State's Kyaikmaraw Township. NMSP troops left their outpost when they saw the Tatmadaw and BGF approaching, avoiding a conflict.<sup>18</sup></p> <p><b>28<sup>th</sup>:</b> The TNLA reported that the Tatmadaw entered Man Name Aum village in Shan State, shooting heavy weapons into the village, <b>killing a child and injuring seven people</b>.<sup>19</sup></p>
<p><b>May 2018</b></p>	<p><b>17<sup>th</sup>:</b> Agreement reached between Senior General Min Aung Hlaing and the Karen National Union to stop military deployments to the Ler Mu Plaw area, Hpapun District of Karen State.<sup>20</sup></p>	<p><b>8<sup>th</sup>:</b> The Tatmadaw violated international humanitarian law by <b>blocking air delivery</b> aid to IDPs in Kachin State.<sup>21</sup></p> <p><b>29<sup>th</sup>:</b> More Tatmadaw troops were dispatched to Hpapun Township, Karen State, in ongoing deployments there since March.<sup>22</sup> The KNU said the military activities "show the Tatmadaw does not take seriously the agreements made in the Nationwide Ceasefire Agreement and disregards its negotiating partner."<sup>23</sup></p>

<sup>8</sup> Kachinland News (6 Aug 18) KIO-BA meeting ends abruptly as BA sets preconditions for talks

<sup>9</sup> BNI (14 Aug 2018) Tatmadaw, Northern Alliance' meeting postponed

<sup>10</sup> SHAN (8 Aug 18) Accused of Rebel Ties, Shan Farmers Interrogated Overnight By Tatmadaw Soldiers; SHAN (10 Aug 18) Kyaukme Locals Released After Three Days' Detention by Tatmadaw Troops

<sup>11</sup> Mizzima (21 Aug 18) TNLA and Tatmadaw have 15 clashes after 21st Panglong Conference

<sup>12</sup> Free Burma Rangers (1 Sep 18) Burma Army Attacks Karen in Papun District, Breaking Ceasefire; Over 200 Villagers Displaced

<sup>13</sup> Irrawaddy (16 Jul 18) Peace Strategy Needed to Achieve National Goals, Suu Kyi Says

<sup>14</sup> UN OCHA (23 Jul 18) Asia and the Pacific: Weekly Regional Humanitarian Snapshot (17-23 July 2018)

<sup>15</sup> Free Burma Rangers (26 July 18) Burma Army Tortures and Kills Six Female Medics, Continues Campaign Against Civilians

<sup>16</sup> Myanmar Times (18 Jul 18) Military and Karen fight in Kayin during talks in capital

<sup>17</sup> Christian Post (7 Aug 18) 2 Baptist Youth Pastors, Wife Beaten & Bloodied as Myanmar Militia Destroys Christian Homes

<sup>18</sup> Irrawaddy (26 Jun 18) Tatmadaw Occupies NMSP Outpost

<sup>19</sup> Free Burma Rangers (3 Jul 18) War, Flooding, and the Civilians Impacted in Northern Burma – June Report

<sup>20</sup> Irrawaddy (17 May 18) Tatmadaw Agrees to Halt Contentious Road Project in Karen State

<sup>21</sup> BurmaLink (2 May 18) Humanitarian NGOs Call for Immediate Cessation of Hostilities, Protection of Civilians and Humanitarian Access in Kachin and Northern Shan, Myanmar

<sup>22</sup> International Karen Organization (15 May 18) IKO Statement on Recurrence of Armed Clashes in KNU Territory

<sup>23</sup> Karen National Union (10 May 18) Karen National Union (KNU) Statement Regarding the Tatmadaw's Reinforcement and Activities in KNU Brigade-5 Area, Mudraw (Papun) District

## Military demands remain a stumbling block

Despite attempts by the National League for Democracy (NLD)-led government to jumpstart discussions with the EAOs with the commencement of the 21<sup>st</sup> Century Panglong Peace Conference, the military continues to block progress on meaningful reforms. The military has refused to discuss federalism and ethnic rights, arguably one of the most critical aspects of establishing lasting peace, during the third session of the Panglong Conference in July 2018.<sup>24</sup> Since 2013, the Tatmadaw has consistently rejected EAO demands to establish constitutional and security sector reforms that would protect ethnic interests and identity within a federal democracy.<sup>25</sup>

The military's uncompromising conditions for the NCA signatories to disarm without guarantees of civilian protection has also been a persistent roadblock. In August 2018, Tatmadaw officials cancelled a meeting with the KIO after KIO representatives refused to agree to non-secession from the Union, and to abide by the Tatmadaw's 'Three Main National Causes'.<sup>26</sup> The Tatmadaw continues to aggressively push the EAOs to agree to never secede from the union, and accept a "united" Burmese military.<sup>27</sup> These demands are in line with the Tatmadaw's declared "six-point principle," which also stipulates that all EAOs signing the ceasefire agreement must adhere to the 2008 constitution, which institutionalizes the military's power in Burmese politics.<sup>28</sup>

## Targeting of human rights activists, journalists, and whistleblowers

### Attacks on the media

On 3 September 2018, *Reuters* journalists Wa Lone and Kyaw Soe Oo were sentenced to seven years' imprisonment for violating the British colonial-era Official Secrets Act. The reporters were investigating military involvement in the 2017 Inn Din massacre in Rakhine State when they were arrested on false charges.<sup>29</sup> It has become a landmark case internationally, and has drawn widespread condemnation and criticisms for its egregious attack on press freedom and intimidation of journalists in an attempt to silence reports that point to the commission of crimes by the Burmese military. A week after they were sentenced, Aung San Suu Kyi defended the conviction, saying the prosecution of the two reporters had "nothing to do with freedom of expression at all."<sup>30</sup>

On 10 October 2018, three journalists were charged under Section 505 (b) of the Criminal Code, which carries a maximum sentence of two years' imprisonment, for criticizing the financial management of the Chief Minister of Yangon Region, Phyo Min Thein. The *Eleven Media's* executive editors Kyaw Zaw Lin and Nayi Min, and chief reporter Phyo Wai Win, were arrested over an article published on 8 October that discussed the funding of the Yangon bus network, a project launched by Phyo Min Thein, a confidant of Aung San Suu Kyi.<sup>31</sup>

### The arrest of peace activists

In April and May 2018, approximately 50 human rights defenders were arrested, charged, and/or convicted for exercising their right to peaceful assembly. Demonstrators were denouncing the escalation of military attacks in Kachin and northern Shan States and calling for the provision of safe passage for thousands of IDPs who remained trapped in armed conflict areas. The rallies organized by the Kachin youth in Myitkyina, Kachin State spread to Yangon, Mandalay, and Bago; some protests were met with violent suppression by security forces.<sup>32</sup>

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<sup>24</sup> Al Jazeera (11 Jul 18) Myanmar opens peace conference with ethnic rebels

<sup>25</sup> FIDH, ALTSEAN Burma (19 Sep 14) Developments after the 2013 UNGA Resolution

<sup>26</sup> Namely, non-disintegration of the union, non-disintegration of national solidarity, and perpetuation of sovereignty. Kachinland News (6 Aug 18) KIO-BA meeting ends abruptly as BA sets preconditions for talks.

<sup>27</sup> SHAN (16 Aug 18) China's Mediation of Northern Alliance and the Tatmadaw; Burma Link (6 Oct 18) Statement of the Central Standing Committee's 5th Emergency Meeting After the 16th Karen National Union Congress

<sup>28</sup> The Diplomat (30 Oct 15) The Truth About Myanmar's New Ceasefire Agreement

<sup>29</sup> Reuters (03 Sep 18) Myanmar court jails Reuters reporters for seven years in landmark secrets case

<sup>30</sup> Reuters (13 Sep 18) Myanmar's Suu Kyi says jailed Reuters journalists can appeal verdict

<sup>31</sup> Al Jazeera (10 Oct 18) Myanmar arrests three journalists over article on Suu Kyi protegee

<sup>32</sup> Reuters (12 May 18) Myanmar riot police break up anti-war protest in Yangon

Numerous participants were arrested and charged with violating the Peaceful Assembly and Peaceful Procession Law. Three human rights defenders face charges of defamation under Section 505(b) of the Criminal Code in connection with speeches critical of the Tatmadaw given at the rallies in Kachin State.

**Conviction of a former child soldier**

In March 2018, former child soldier Aung Ko Htwe was sentenced to two years' imprisonment with hard labor for contravening Section 505(b) of the Criminal Code. He was convicted of making statements intended to cause "fear or alarm to the public" in an interview he gave to *Radio Free Asia* about his forced conscription into the Tatmadaw as a minor. On 12 September 2018, two rights activists, Naung Naung and Lay Lay, were sentenced to a year in prison for participating in a protest in support of Aung Ko Htwe.<sup>33</sup>

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<sup>33</sup> DVB (28 Mar 18) Ex-child soldier gets two years in prison for telling of forced conscription; Irrawaddy (12 Sep 18) Activists Jailed for a Year for Protesting on Behalf of Ex-Child Soldier for Tatmadaw