

BURMA BULLETIN



A month-in-review of events in Burma



ALTERNATIVE ASEAN NETWORK ON BURMA

advocacy, capacity-building & strategic interventions for human rights & democracy

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- **Amnesty International issues controversial report on ARSA's violations against Hindus.**
- **Approximately 50 human rights defenders arrested, charged and/or convicted for anti-war protests.**
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KEY STORY: CALLS INTENSIFY FOR UNSC ACTION, ICC REFERRAL OVER ROHINGYA

Reprisals for speaking to UNSC delegation

From 28 April to 1 May, members of the United Nations Security Council (UNSC) visited Bangladesh and Burma/Myanmar.¹ UNSC representatives toured camps in Cox's Bazar and visited areas of Arakan/Rakhine State [see *April Bulletin*]. On 12 May, local Rohingya community members said villagers who shared testimonies of Tatmadaw violence to the UNSC delegation during their visit to northern Arakan State were forced to go into hiding after the security agencies launched a hunt for them. Authorities in Maungdaw Township warned Rohingya in surrounding villages days before the UNSC delegation visited Arakan State against saying anything negative about security forces.²

Govt responses to UNSC delegation, tension over UNSC statement

On 2 May, the members of the UNSC also met with State Counsellor Aung San Suu Kyi and Sr Gen Min Aung Hlaing.³ Aung San Suu Kyi pledged investigations if credible evidence was provided. The

¹UN Security Council (09 May 18) Security Council Press Statement on Security Council Visit to Bangladesh, Myanmar

²The Guardian (12 May 18) Myanmar: Rohingya villagers who spoke to UN delegation forced into hiding

³UN Security Council (09 May 18) Security Council Press Statement on Security Council Visit to Bangladesh, Myanmar

UNSC asked the Tatmadaw to let it investigate rights abuses in Arakan State. Min Aung Hlaing refused, asserting that the Rohingya issue is an internal matter and dismissing reports of abuses as “exaggerated by certain groups to drag the international community into the affair”. He said that the Tatmadaw and the government investigated accusations of human rights abuses in 2012 and 2016 and punished those who committed violations.⁴ Min Aung Hlaing vowed ‘harsh action’ over sexual violence,⁵ but also claimed: “No sexual violence happened in the history of Myanmar Tatmadaw.”⁶

On 9 May, UNSC released its final statement stressing “the importance of undertaking transparent investigations into allegations of human rights abuses and violations” and urging the Burmese government to fulfill its commitment to hold perpetrators of violence accountable. It also stated that its members observed “widespread destruction of villages” in northern Arakan State and “were struck by the scale of the humanitarian crisis.”⁷ The wording of the official statement was a source of controversy in the days prior to its release, with Britain, France, and the United States rejecting Chinese edits that dropped all mentions of investigations or accountability from an earlier British-drafted UNSC statement.⁸ China and Russia, both veto-wielding UNSC members who previously blocked efforts for collective action on Burma, merely expressed hope that Bangladesh and Burma would resolve “relevant issues through bilateral dialogues”.⁹

Burma establishes Commission of Enquiry

On 31 May, Burma decided to establish an Independent Commission of Enquiry as part of its national initiative “to address reconciliation, peace, stability and development in [Arakan].” The Commission will consist of three members ‘including an international personality’, and will be assisted by national and international legal and technical experts.¹⁰

ICC seeks jurisdiction; support for ICC referral grows

Meanwhile, the request filed by International Criminal Court (ICC) prosecutor Fatou Bensouda in April seeking jurisdiction to investigate alleged crimes by Burmese officials over the ‘deportation’ of Rohingya to Bangladesh [see *April Bulletin*] moved forward. On 7 May, the ICC wrote to seek Bangladesh’s opinion on whether it can exercise jurisdiction over the deportation of Rohingya.¹¹ Bangladesh has yet to issue a response. On 20 June, a panel of judges will hold closed-door talks on the request. Only chief prosecutor Fatou Bensouda will appear before the three judges at the ICC hearing.¹²

On 30 May, lawyers from the group Shanti Mohila, or Peace Women, submitted a request to the ICC urged the court to open a criminal investigation into continuing atrocities against the Rohingya. The request included an unusual annex of 20 pages of purple fingerprints, which were the equivalent of signatures from 400 Rohingya women and girls, most of them illiterate refugees driven out of Burma.¹³

On 23 May, State Counsellor Office’s Spokesperson Zaw Htay said that Burma will not accept the ICC referral: “if they try to proceed with something that cannot be done, we will not accept it.”¹⁴

Pressure for accountability over actions in Arakan State gathered even more pace throughout May. On 6 May, representatives of the 53-member Organization of Islamic Conference (OIC) announced the creation of a campaign committee dedicated to mobilizing “international political support for accountability for human rights violations against the Rohingya”.¹⁵ On 8 May, four human rights groups – Amnesty International, Human Rights Watch, Fortify Rights, and the Global Center for the Responsibility to Protect – urged the UNSC to refer Burma to the ICC.¹⁶ On 22 May, British MPs once again called for an ICC referral for Burma, as well as a review of the UK’s £100 million (US\$133

⁴Senior General Min Aung Hlaing (05 May 18) Discussions between Senior General Min Aung Hlaing and permanent envoys of UNSC; The Irrawaddy (07 May 18) Army Rebuffs UN Security Council Request to Investigate Rights Abuses in Rakhine

⁵Reuters (1 May 18) U.N. could help Myanmar gather evidence of crimes against Rohingya: British envoy

⁶Frontier Myanmar (2 May 18) Myanmar facing ICC referral unless ‘proper’ Rakhine probe conducted: UN

⁷Time Magazine (10 May 18) The U.N. Urges Myanmar to Seek Accountability for Violence Against Rohingya

⁸Frontier Myanmar (09 May 18) China resists push at UN for Myanmar probe of Rakhine attacks

⁹The Daily Star (16 May 18) Rohingya Crisis: China, Russia still unmoved at UNSC

¹⁰Office of the President (31 May 18) Government of the Republic of the Union of Myanmar will establish an Independent Commission of Enquiry

¹¹Reuters (09 May 18) ICC asks Bangladesh for input on Rohingya jurisdiction

¹²Frontier Myanmar (15 May 18) War crimes judges to hold closed talks on Rakhine crisis

¹³The New York Times (30 May 18) 400 Thumbprints: Behind the Push to Prosecute Myanmar for Atrocities

¹⁴Ministry of Information (24 May 18) As non-member, Myanmar will not accept ICC referrals

¹⁵Channel News Asia (6 May 18) Islamic nations seek global pressure on Myanmar over Rohingya

¹⁶Houston Chronicle (8 May 18) 4 rights groups urge UN council to refer Myanmar to ICC

million) aid budget to the country [see *Reports*].¹⁷ On 23 May, the Canadian government announced a series of measures including supporting a referral to the ICC and measures to preserve evidence of military crimes. The same day, Canada's parliament unanimously passed a motion calling on the Trudeau administration to redouble 'accountability and evidence-gathering' efforts, publicly support an ICC referral, and impose new sanctions on the Tatmadaw.¹⁸

Other updates:

20 May: Bangladesh's health minister, Mohammed Nasim, called on Commonwealth nations to push Burma to accept Rohingya returns during a speech at a Commonwealth health ministers' meeting in Geneva. "We are providing them with all the services...but we cannot do it year after year," he said.¹⁹

23 May: It was announced Christine Schraner Burgener, newly appointed UN special envoy for Burma, will first visit Naypyidaw in June to hold talks on the refugee crisis.²⁰

24 May: Human Rights Watch (HRW) called on Burma to comply with the Committee on the Elimination of Discrimination against Women's (CEDAW) request for information on the Tatmadaw's responsibility for widespread rape of Rohingya women and girls in northern Arakan State. In November 2017, the independent expert committee monitoring implementation of the CEDAW requested the Burma government to submit a report on the situation of women and girls from northern Arakan State by 28 May 2018. The CEDAW committee only requested such an 'exceptional report' three times previously.²¹ Meanwhile, HRW and Fortify Rights provided input into the 'exceptional report' and released an 11-page joint report providing details on sexual violence committed by Burma's security forces against Rohingya villagers in 2016 and 2017.²²

Amnesty International publishes controversial report on ARSA massacres

On 22 May, Amnesty International (AI) published a controversial report on what it called "the largely under-reported human rights abuses" by members of the Arakan Rohingya Salvation Army (ARSA) [see *Reports*]. Based on eyewitness testimonies, dozens of interviews, and photographic evidence, Amnesty claimed armed masked men dressed in black who were ARSA militants were responsible for the massacre of 99 Hindu civilians in two separate but related incidents on 25 August 2017 in Ye Bauk Kyar and Ah Nauk Kha Maung Seik villages, Maungdaw Township.²³ This was the same day that the Tatmadaw claimed ARSA militants attacked 30 police outposts across Arakan State – killing 12 members of the security forces – and triggering the latest round of military violence that caused the mass exodus of Rohingya refugees.²⁴

On 25 May, ARSA, after being inactive for months, responded to the AI report: "We categorically deny all of these unjustifiable and careless serious criminal accusations", it read, before stating that the sole purpose of the group was to "defend, salvage, and protect the Rohingya community..."²⁵

Major division over AI findings

Burmese authorities welcomed the report.²⁶ This prompted concern that the report would be used as justification for past – as well as potentially future – acts of violence and discrimination targeting the Rohingya community. Others questioned the context and manner in which the research was conducted. As the Burmese government and military stifled independent investigations into violence by blocking all access to large swathes of Arakan State, there are now questions as to why AI was granted privileged access to restricted areas.²⁷

¹⁷The Telegraph (22 May 18) MPs recommends Burma be referred to International Criminal Court for Rohingya ethnic cleansing

¹⁸Human Rights Watch (24 May 18) Canada Promotes Justice for Myanmar's Rohingya

¹⁹BD News 24 (20 May 18) Bangladesh asks Commonwealth countries to push Myanmar for Rohingya return

²⁰Eleven (25 May 18) Newly appointed UN envoy to pay first visit to Myanmar in June

²¹Human Rights Watch (24 May 18) Myanmar: Deadline to Report on Rape of Rohingya to UN

²²Human Rights Watch and Fortify Rights (24 May 18) Submission to CEDAW regarding Myanmar's Exceptional Report on the Situation of Women and Girls from Northern Rakhine State (May 2018)

²³Amnesty International (22 May 18) Myanmar: New evidence reveals Rohingya armed group massacred scores in Rakhine State

²⁴BBC (19 September 18) Myanmar: What sparked latest violence in Rakhine?

²⁵Arakan Rohingya Salvation Army (25 May 18) ARSA categorically denies unjustifiable and careless serious criminal accusations made by Amnesty International (AI)

²⁶Myanmar Times (24 May 18) Government welcomes Amnesty report on ARSA atrocities

²⁷Maung Zarni (23 May 18) Maun Zarni Twitter account

AI presented six points they claim irrefutably verifies the accuracy of the findings [see *Box*]. However, Shafiur Rahman, a documentarian whose interviews with villagers in the area of the massacre previously exposed contradictions in the government narrative, disputed AI’s claims.²⁸ The most prominent point of dispute is inconsistencies in testimonies – with survivors initially providing testimony blaming security forces and ethnic Rakhine Buddhists on 29 August, before then reportedly blaming ARSA fighters when facing repatriation to Arakan State.²⁹

While most simply advised caution with the findings, there are some who outright rejected the claims. Bangladesh FM Abul Hassan Mahmood Ali called them “nothing logical” before saying “nobody believes it.”³⁰ Rohingya activists questioned AI’s motives in releasing such a report, as well as highlighting their first hand experiences of the Hindu and Rohingya communities in Arakan co-existing peacefully for generations.³¹ Ultimately, most parties agree that AI’s report reiterated the long overdue need for Burmese authorities to allow free and independent access to Arakan State for international human rights groups and the UN to investigate accusations of crimes against humanity by all sides.

| AI’s six ‘evidence indicators’ ³² | Responses ³³ |
|---|--|
| Inconsistent witness testimonies explained by “pressures and threats to personal safety that they faced while in Bangladesh.” Women changed 29 Aug. testimonies blaming security forces prior to repatriation | AI failed to acknowledge government pressures these women endured since being repatriated to Arakan State in early October. No recorded evidence they changed testimonies before they were repatriated |
| The women’s descriptions of their attackers matched descriptions of other attackers in northern Arakan State who were later determined to be ARSA members | If the massacre was orchestrated by the military, it would have been planned to implicate ARSA. Security forces were aware of ARSA and its tactics during the group’s assaults on security outposts in Oct. 2016 |
| The women heard their attackers speaking the Rohingya dialect | If the women wanted to assert that the attackers were Muslim, they would naturally say they spoke Rohingya. The testimony upon which this claim is based only states: “He spoke the [Rohingya] language” |
| Forensic anthropological expert said photographs of the victims point to “homicide in the form of extrajudicial and summary executions”, potentially on 25 Aug. | This implicates no one in particular. There is no dispute that whoever committed the murders did so in summary execution-style on 25 Aug. |
| Arrival of Tatmadaw helicopter to provide backup in Ah Nauk Kha Maung Seik village on 27 Aug. rules out possibility that the area was controlled by security forces on 25 Aug. | If the massacre was military-backed, the arrival of backup two days later could suggest an effort to give the military plausible deniability for involvement in the massacre |
| The women recognized specific Rohingya villagers, one of whom was confirmed by AI to have been a resident of the area | There is no evidence that the villagers were there by choice nor is there any evidence that his presence reveals anything about the identities of the masked men leading the attack |

Arakan Crisis updates

5 May: According Sr Gen Min Aung Hlaing’s Facebook page, returning Rohingya refugees will be safe as long as they stay in the villages built for them, fueling fears returnees will be confined indefinitely.³⁴

17 May: Burma urged Bangladesh to start the repatriation of 1,101 verified Rohingya. They also wanted to take earlier verified 778 Muslims and 444 Hindus. Bangladesh emphasized need for ‘verifiable concrete information’ from Burma so that it could be shared with the Rohingya, also urging the creation of a ‘conducive environment’ for the safety and security of the returnees.³⁵

²⁸Coconuts Yangon (25 May 18) Does Amnesty’s ARSA report prove anything?

²⁹Coconuts Yangon (25 May 18) Does Amnesty’s ARSA report prove anything?

³⁰Dhaka Tribune (24 Mar 18) Foreign minister: Amnesty report won’t affect Rohingya repatriation talks

³¹Coconuts Yangon (25 May 18) Does Amnesty’s ARSA report prove anything?

³²Amnesty (22 May 18) Myanmar: New evidence reveals Rohingya armed group massacred scores in Rakhine State

³³Coconuts Yangon (25 May 18) Does Amnesty’s ARSA report prove anything?

³⁴AFP (5 May 18) Rohingya will be safe in areas ‘designated’ for them: Myanmar army chief

³⁵The Daily Star (18 May 18) Myanmar wants repatriation of 1,101 verified Rohingyas

25 May: Bangladesh's permanent representative to the UN, Masud Bin Momen, reiterated calls for establishment of a safe zone for Rohingya inside Burma under the supervision of the UN.³⁶

27 May: President Win Myint pardoned 58 Rohingya who were detained while attempting to re-enter the country from Bangladesh. Sixty-two returnees were arrested for illegally crossing the border when attempting to return to Maungdaw Township from Bangladesh.³⁷

HUMAN RIGHTS

Mass arrest of Kachin anti-war protestors

Anti-war protests spread from Kachin State throughout the nation in April and May after the latest outbreak of violence in the region. Since 11 April, over 7,000 people in Tanai, Injangyang, Mogaung, and Hpakant townships were displaced [see *Ethnic Affairs and Conflict*]. The military reportedly denied access to aid groups to the displaced population in Kamai sub-township and Tanai Township for several weeks, with UN Special Rapporteur Yanghee Lee saying this could “amount to war crimes under international law”.³⁸ On 30 April, in Myitkyina, Kachin State, more than 3,000 people staged a peaceful anti-war march, while around 3,000 Kachin youth staged a sit-in protest from April 30 to May 6. Protests spread to Rangoon/Yangon, Mandalay and Bago throughout May. Security forces responded to protests with violent force, using batons to break up the protests.³⁹ Numerous participants were arrested and charged under Article 19 of the Peaceful Assembly and Procession Law stipulating authorities must be given notice of planned protests. Three human rights defenders also face charges of defamation from the Tatmadaw for speeches given at the protests. In total, approximately 50 human rights defenders were arrested, charged and/or convicted, including:

Article 19 of the Peaceful Assembly and Procession Law

6 May: Myo Thu Htut and Myitta Oo were arrested and charged during peaceful protests in Aung Lan Township, Magway Region.⁴⁰

7 May: Kaung Htet Kyaw, Zeya, Ye Aung Aye, and Myo Saw were charged after protests in Kyauktada Township, Rangoon on 6 May.⁴¹

9 May: Lum Zawng, Sut Seng Htoi, and Labang Awng Mai were convicted by Myitkyina Township Court after a gathering of several hundred protesters on 3-4 May in Myitkyina Township, Kachin State. Each paid a fine of K30,000 (US\$22).⁴²

9 May: Aung Hmine San, Soe Moe, and Poet Kalint were arrested and charged after a peaceful rally of more than 40 protesters on May 6 in Mandalay. Poet Kalint was sentenced to one month on 10 May, while Aung Hmine San and Soe Moe Naing were sentenced to two months imprisonment on 22 May.⁴³

12 May: Seventeen protesters were arrested and charged following ‘unauthorized’ protests in Rangoon that descended into violence.⁴⁴

14 May: Police brought charges against organizer Khant Min Htet, poet Shwe Kyae Moe, and demonstrator Zayar Lwin for not obtaining permission to hold a poetry reading ceremony for peace at Maha Bandula Park in Rangoon.⁴⁵

31 May: Eight students were arrested in Pyay Township, Bago and were charged for calling for the release of protesters. A hearing for five members of the group was set for 4 June.⁴⁶

³⁶The Independent Bangladesh (25 May 18) Dhaka reiterates call for safe zone in Myanmar

³⁷The Irrawaddy (28 May 18) President Pardons Scores of Rohingya Detained While Returning from Bangladesh

³⁸Fortify Rights (12 May 18) Myanmar: Drop Criminal Charges Against Peaceful Anti-War Protesters

³⁹Reuters (12 May 18) Myanmar riot police break up anti-war protest in Yangon

⁴⁰Fortify Rights (12 May 18) Myanmar: Drop Criminal Charges Against Peaceful Anti-War Protesters

⁴¹Fortify Rights (12 May 18) Myanmar: Drop Criminal Charges Against Peaceful Anti-War Protesters

⁴²Fortify Rights (12 May 18) Myanmar: Drop Criminal Charges Against Peaceful Anti-War Protesters

⁴³Fortify Rights (12 May 18) Myanmar: Drop Criminal Charges Against Peaceful Anti-War Protesters

⁴⁴RFA (15 May 18) Antiwar Protesters Charged With Violating Myanmar's Peaceful Assembly Law

⁴⁵RFA (21 May 18) Kachin Activists Charged With Defamation of File Appeal With Regional Supreme Court

⁴⁶RFA (31 May 18) Eight Students Arrested in Myanmar For Unauthorized Protest

Defamation

16 May: The Tatmadaw sued activists Zau Jat and Nang Pu, and lawyer Lum Zawng for allegedly defaming the military without evidence and damaging its image during protests on 30 April and 1 May in Myitkyina Township.⁴⁷

Rights groups widely criticized the arrests, and called for their unconditional release and all charges to be dropped. This round of arrests is the highest “for peaceful protests during this current government,” according to Maung Saung Kha, executive director of freedom of expression group Voice.⁴⁸

Breakthrough for Reuters journalists as prosecution’s case looks fragile

On 2 May, Judge Ye Lwin ruled that the testimony of Police Capt Moe Yan Naing was credible and rejected a request to declare the police captain a ‘hostile witness’⁴⁹ The judge previously rejected the motion to dismiss the case against the two reporters.⁵⁰ Originally called to testify against the reporters, Moe Yan Naing claimed a senior officer ordered police to ‘trap’ Wa Lone by handing him sensitive documents at a Rangoon restaurant in December [see *April Bulletin*].

On 9 May, Moe Yan Naing provided a detailed account of how Police Brig Gen Tin Ko Ko ordered subordinates to give ‘secret’ documents to Wa Lone: “Tin Ko Ko instructed Police Lance Corporal Naing Lin to give Wa Lone documents related to our frontline activities in order to have him arrested.” Tin Ko Ko reportedly threatened to detain six officers who were in contact with Wa Lone if they did not arrest him.⁵¹ At the next hearing on 16 May, Police L/C Naing Lin denied the accusation that he handed the pairs sensitive documents, claiming Wa Lone ‘requested a meeting’. In a further curious development, Police Capt Myo Lwin claimed Sergeant Khin Maung Lin – due to testify at the next hearing – was fired, with his whereabouts unknown.⁵²

On 22 May, Judge Ye Lwin ruled he would accept evidence obtained from the phones of Wa Lone and Kyaw Soe Oo,⁵³ despite the fact that the police examined the mobile phones without a search warrant.⁵⁴ Evidence included alleged confidential government letters and plans for the development of a tourism island off Burma’s west coast. Defense lawyer Than Zaw Aung raised concerns regarding who had access to the phones, claiming some of the documents were drawn from the Facebook Messenger application, with it unproven that the reporters themselves downloaded them. “They didn’t even know that they received those documents...several messages were received when the phone was turned on,” he told reporters.⁵⁵ The defense reiterated these concerns on 29 May, saying phone evidence may be ‘tainted’, because at least one phone was used after it was confiscated, citing a WhatsApp message sent from Wa Lone’s phone after he was arrested and held incommunicado.⁵⁶ The next hearing is on 4 June.

Ultra nationalist sued for hate speech

The deputy township administrator of Mingin Township under Article 505(b) of the Criminal Code sued ultranationalist Maung Thway Chun for delivering religious hate speech during Dhamma talks in March. In a viral video clip, Maung Thway Chun said in a speech given in Mingin Township, Sagaing Division that Burma will soon be subjugated and bound to lose its race, religion, and territory. “Myanmar will be changed to Myanmarnistan or Myanmarnesia,” he said, in reference to Pakistan and Indonesia. Maung Thway Chun, a staunch Ma Ba Tha supporter and chief editor of its publications, could face two years imprisonment and/or a fine if found guilty.⁵⁷

⁴⁷The Irrawaddy (16 May 18) Army Sues Kachin Protesters for Defamation; Myanmar Times (31 May 18) Protesters’ lawyers want charges dismissed

⁴⁸RFA (15 May 18) Antiwar Protesters Charged With Violating Myanmar’s Peaceful Assembly Law

⁴⁹The New York Times (02 May 18) Surprise Ruling in Myanmar Favors Jailed Reuters Journalists; Reuters (2 May 18) Myanmar court accepts testimony of policeman who said Reuters reporters framed; The Irrawaddy (02 May 18) Court Rejects Request to Name Officer in Reuters Case a ‘Hostile Witness’

⁵⁰The Guardian (02 May 18) Myanmar judge rejects motion to dismiss case against two reporters

⁵¹Reuters (9 May 18) Myanmar policeman who said Reuters reporters were framed details sting operation

⁵²Reuters (16 May 18) Myanmar policeman denies planting documents on Reuters reporters

⁵³Reuters (22 May 18) Myanmar judge allows documents police say came from Reuters reporters’ phones

⁵⁴Reuters (28 May 18) Myanmar police witness says searched Reuters reporters’ phones without warrant

⁵⁵Reuters (22 May 18) Myanmar judge allows documents police say came from Reuters reporters’ phones

⁵⁶Reuters (29 May 18) Myanmar lawyer says evidence from Reuters reporters’ phones may be ‘tainted’

⁵⁷The Irrawaddy (25 May 18) Ultranationalist Sued for Hate Speech

Violence in Kachin State displaces over 7,000 civilians

On 1 May, Yanghee Lee, UN Special Rapporteur on the situation of human rights in Myanmar, highlighted an increase in clashes between the Tatmadaw and Kachin Independence Army (KIA) since October 2017, resulting in deaths and the mass displacement of civilians.⁵⁸ Kachinland News noted that from January-April 2018, there were 148 encounters between the Tatmadaw and the KIA.⁵⁹ On 29 May, the US State Department reported that authorities in Burma/Myanmar had been “doubling down” against ethnic minorities like Kachin State’s largely Christian population.⁶⁰

Heat Map Shows Number of Clashes Between KIA & Burmese Forces From 2011 - 2018

| Year | January | February | March | April | May | June |
|------|---------|----------|-------|-------|-----|------|
| 2011 | 0 | 0 | 0 | 0 | 0 | 28 |
| 2012 | 44 | 42 | 73 | 73 | 121 | 68 |
| 2013 | 17 | 30 | 19 | 23 | 17 | 21 |
| 2014 | 9 | 9 | 7 | 25 | 20 | 24 |
| 2015 | 100 | 83 | 81 | 21 | 58 | 62 |
| 2016 | 7 | 8 | 22 | 18 | 45 | 22 |
| 2017 | 83 | 18 | 9 | 10 | 11 | 36 |
| 2018 | 41 | 34 | 30 | 43 | | |

| Year | July | August | September | October | November | December |
|------|------|--------|-----------|---------|----------|----------|
| 2011 | 45 | 23 | 74 | 159 | 180 | 154 |
| 2012 | 74 | 51 | 47 | 40 | 43 | 203 |
| 2013 | 11 | 16 | 29 | 6 | 15 | 20 |
| 2014 | 15 | 11 | 7 | 9 | 14 | 5 |
| 2015 | 62 | 13 | 72 | 57 | 22 | 3 |
| 2016 | 19 | 77 | 257 | 64 | 91 | 110 |
| 2017 | 28 | 20 | 16 | 16 | 26 | 88 |
| 2018 | | | | | | |

KLN (15 May 18)
The Militarization
of Kachin State

Over 7,000 civilians were displaced from new locations, as well as existing camps, due to intensification in clashes between the Tatmadaw and the KIA in April [see *April Bulletin*],⁶¹ while around 300 people remain trapped in forests in Tanai Township.⁶² A total of 130,000 Kachin have been displaced in recent decades.⁶³ Meanwhile, a coalition of humanitarian groups accused the Tatmadaw of blocking aid shipments and denying access to UN agencies and humanitarian groups.⁶⁴ This upsurge in violence sparked more anti-war protests in Kachin, Rangoon/Yangon, and Mandalay, which ended with the arrest of protesters under the Peaceful Assembly and Procession Law [see *Human Rights*].⁶⁵

On 29 May, the Ministry of Defense said that the Tatmadaw would be ready to stop to military operations in Kachin State if President Win Myint gave the order.⁶⁶

Tatmadaw dispatches more troops in Karen state despite KNU agreement

On 17 May, a Karen National Union (KNU) delegation led by Chairperson Mutu Sae Poe reached an agreement with Sr Gen Min Aung Hlaing to ‘temporarily postpone’ the rebuilding of an old road and stop military deployments in the Ler Mu Plaw area of Hpapun district, Karen/Kayin State.⁶⁷ On 29 May, the Tatmadaw allegedly dispatched more troops in Hpapun Township despite the withdrawal of road construction workers,⁶⁸ increasing local community concerns that fighting would erupt again.⁶⁹

⁵⁸UN News (01 May 18) ‘Sharp escalation’ in fighting across Myanmar’s Kachin state, warns rights expert

⁵⁹KLN (15 May 18) The Militarization of Kachin State

⁶⁰NY Times (29 May 18) Myanmar is Intensifying Violence Against Ethnic Minorities, U.S. Says

⁶¹Joint Strategy Team (30 May 18) Humanitarian Situation Update in Kachin State: 14th to 28th May 2018

⁶²Network Media Group (28 May 18) Around 70 IDPs arrive in Tanai, some are still trapped in the jungle

⁶³The Guardian (14 May 18) ‘Slow genocide’: Myanmar’s invisible war on the Kachin Christian minority

⁶⁴World Watch Monitor (15 May 18) Myanmar: 7,000 Kachin displaced as violence escalates; The Guardian (14 May 18) ‘Slow genocide’: Myanmar’s invisible war on the Kachin Christian minority

⁶⁵Fortify Rights (12 May 18) Myanmar: Drop Criminal Charges Against Peaceful Anti-War Protesters; RFA (15 May 18) Antiwar Protesters Charged With Violating Myanmar’s Peaceful Assembly Law; The Irrawaddy (16 May 18) Army Sues Kachin Protesters for Defamation

⁶⁶The Irrawaddy (29 May 18) Tatmadaw Will Cease Operations in Kachin on Govt’s Order: Defense Secretary

⁶⁷The Irrawaddy (17 May 18) Tatmadaw Agrees to Halt Contentious Road Project in Karen State

⁶⁸Myanmar Times (29 May 18) KNU says military brings in reinforcements in Hpapun

⁶⁹VOA (31 May 18) Conflict Resumes in Karen State After Myanmar Army Returns

Over 2,000 people from 16 villages of Hpapun Township fled their homes because of at least 53 clashes between the KNU and the Tatmadaw since the resumption of road construction in Karen State in March to facilitate Tatmadaw hydropower projects along the Salween River basin.⁷⁰ About 90 percent of the electricity is planned for sale to China and Thailand, despite an electricity shortage in the area.⁷¹ On 10 May, KNU reaffirmed its commitment to peace process but stated that on-going Tatmadaw activities in Karen State “illustrate total disregard for the NCA [Nationwide Ceasefire Agreement] and demonstrate their lack of respect for the KNU”.⁷²

Clashes in Shan State between TNLA and the Tatmadaw kill 19 civilians

On 12 May, the Ta’ang National Liberation Army (TNLA) attacked the border city of Muse, killing 19 people – including two Chinese nationals – and injuring 27.⁷³ The hostilities sent stray bullets into China and forced 300 civilians to flee to China’s Yunnan Province. A TNLA spokesperson said the attacks were a response to Tatmadaw assaults on TNLA outposts and retaliation for a Tatmadaw offensive against TNLA ally, the KIA.⁷⁴ On 21 May, China urged the armed ethnic groups of the Northern Alliance – comprised of the Arakan Army, Kachin Independence Organization/KIA, Myanmar National Democratic Alliance Army of Kokang, TNLA, Shan State Progress Party, National Democratic Alliance Association of Mong Law, and United Wa State Army – to attend the third session of the 21st Century Panglong Conference to settle their differences with the government.⁷⁵

Mon State holds national-level dialogue

On 5-7 May, recent NCA signatory, New Mon State Party, held its three-day national-level dialogue in Ye, Mon State.⁷⁶ Self-determination was discussed heavily, with the controversial issue of ‘non-disintegration’ of the country avoided.⁷⁷

ECONOMY/NATURAL RESOURCES

New Yangon City project progresses; MPs call for greater transparency

On 30 April, the New Yangon Development Company (NYDC) signed a framework agreement with China Communications Construction Company Limited (CCCC) to conduct preconstruction surveys for phase-one of the New Yangon City project.⁷⁸ The NYDC is owned by the Yangon Regional Government, while CCCC is a subsidiary of state-owned China Communications Construction Group. The New Yangon City project is just one of 41 included in the regional government’s master urban development plan. Phase-one of the two-phase project is slated for Kyeemyindaing Township at an estimated cost of US\$1.5 billion.⁷⁹ Phase-one is set to develop 20,000 acres of land west of Rangoon/Yangon (the total project area covers 1,500 sq. kilometers) and includes the construction of five village townships and various infrastructure.⁸⁰ Though the NYDC signed with CCCC to design a program proposal, the project will remain public to allow other companies to submit rival bids.⁸¹

The regional government was criticized for its lack of transparency on the New Yangon City project. Since the project was revived in 2017, regional MPs have called for the government to resubmit proposal plans.⁸² Dagon Township MP Kyaw Zeya stressed that the project should be reviewed as it is partially funded by World Bank loans, saying if not, “a confrontation is likely between us [parliament] and them [regional government]”.⁸³ Chief Minister Phyo Min Thein said project plans would not be

⁷⁰ Myanmar Times (29 May 18) KNU says military brings in reinforcements in Hpapun

⁷¹ VOA (31 May 18) Conflict Resumes in Karen State After Myanmar Army Returns

⁷² Karen National Union (10 May 18) KNU Statement Regarding the Tatmadaw’s Reinforcement and Activities in KNU Brigade-5 Area, Mudraw (Papun) District

⁷³ RFA (14 May 18) US Expresses Concern Over Civilians Killed in Fighting in Myanmar Border Town; Channel News Asia (14 May 18) Two Chinese among those killed in northern Myanmar: Ministry

⁷⁴ RFA (14 May 18) US Expresses Concern Over Civilians Killed in Fighting in Myanmar Border Town

⁷⁵ Myanmar Times (21 May 18) China urges Northern Alliance to attend Panglong conference

⁷⁶ Joint Peace Fund (08 May 18) The People of Mon Hold Their National Dialogue Just Three Months After Signing the NCA

⁷⁷ Myanmar Times (08 May 18) Self-determination tops issues aired at Mon dialogue

⁷⁸ Myanmar Times (02 May 18) Yangon works with China to lay down development plan for new city project; Global Construction Review (03 May 18) Myanmar hires China Communication sot survey bold new city

⁷⁹ Myanmar Times (30 Mar 18) Yangon provides timeline, details of new projects; Myanmar Times (02 May 18) Yangon works with China to lay down development plan for new city project

⁸⁰ Myanmar Times (02 May 18) Yangon works with China to lay down development plan for new city project

⁸¹ Global Construction Review (03 May 18) Myanmar hires China Communication sot survey bold new city; Myanmar Times (03 May 18) Yangon’s “new city” authority to publicise project documents in bid to improve transparency

⁸² Myanmar Times (28 Mar 17) Yangon to commence Southwest New City in April

⁸³ Business Information Center, Royal Thai Embassy, Yangon (03 May 18) Investment Opportunities in Yangon New City Project

resubmitted as “the current Parliament has to implement what was approved by the previous Parliament.” The statement contradicted the fact that the contracts approved by the previous regional government were cancelled after the NLD took office.⁸⁴ The issue of transparency arose again when the regional government submitted a K1.3 trillion (US\$ 968 million) urban development proposal for a further 12 projects, featuring nothing more than project titles. Lawmakers likened it to “signing a blank paper.”⁸⁵ Constitutionally, projects proposed by regional or state governments must be approved by the relevant parliament.

Rangoon Chief Minister Phyo Min Thein said cooperation between NYDC and CCCC will strengthen relations between Burma/Myanmar and China.⁸⁶ However, increased Chinese investment in Burma’s development sector is not without risk. Burma’s Kyaukphyu Special Economic Zone, to be developed by China’s state-owned CITIC Group, is priced at US\$7.5 billion⁸⁷ – seven times the cost of Chinese-built ports in Sri Lanka and Cameroon. Greg Poling, director of the Asia Maritime Transparency Initiative, warned that the ‘extreme expense’ could lead the Burmese government to take out ‘unsustainable debt’ – as what happened with the Hambantota port in Sri Lanka when the government was forced into a 99-year lease with China in exchange for debt relief.⁸⁸ Sean Turnell, special economic consultant to Aung San Suu Kyi, called the price tag ‘crazy’, saying the financial terms will require Burma to borrow US\$2-3 billion and will likely result in a similar scenario as Sri Lanka.⁸⁹

Farmers prepare to sue military-owned company over land confiscation

On 12 May, two farmers in Kyauktan Township were hospitalized after participating in a protest against Union of Myanmar Economic Holding Ltd’s (UMEHL) seizure of the farmers’ land. The protest turned violent after police fired rubber bullets into the crowd, hitting two people, Moh Moh Lwin and Aung Naing Soe. Three protestors, including two farmers and a student, were arrested but released on bail.⁹⁰

On May 28, it was reported that nine farmers dispossessed by government land seizures, in an area now part of the Thilawa Special Economic Zone (SEZ) near Rangoon/Yangon, were preparing to sue UMEHL. The farmers are seeking K65 million (US\$48,250) per acre of confiscated land, alleging that the land was acquired ‘illegally’ more than 20 years ago. The land was not developed and according to the 2012 Farmland Act, lands acquired for projects must be returned to their original owners if development did not begin within four years.⁹¹

The protest and subsequent case against UMEHL came after 33 farmers from Thida Myaing Village were convicted of criminal trespass on 8 May by Kyauktan Township Court. Ben Hardman, Myanmar Deputy Legal Director at EarthRights International, called the ruling “a blow to the land rights of farmers across Myanmar.”⁹² Charges were brought against them in 2014 by another military-operated company, Myanmar Economic Corporation (MEC), for attempting to protect the same farmlands adjacent to Thilawa SEZ after they were seized in 1996 by the government. The farmers were sentenced to 15 days imprisonment or a K500 (US\$0.37) fine.⁹³

Dawei SEZ faces criticism for excluding environmental impact assessment

On 15 May, Japan International Cooperation Agency’s (JICA) announcement on the upcoming release of the Dawei Special Economic Zone (SEZ) master development plan received severe criticism for excluding site-wide environmental impact assessments (EIA). “It would be unlawful to proceed with land acquisition or infrastructure development now in the absence of a site-wide environmental impact assessment,” said Sean Bain, legal adviser for the International Commission of Jurists (ICJ) in Rangoon/Yangon.⁹⁴

⁸⁴Irrawaddy (11 May 18) No Need to Approve Yangon Expansion Plan Again, Chief Minister Says

⁸⁵Irrawaddy (17 May 18) Parliament Waits to Approve Projects as Lawmakers Call for Transparency

⁸⁶Myanmar Times (02 May 18) Yangon works with China to lay down development plan for new city project

⁸⁷Bloomberg [Bloomberg (25 May 18) China’s \$7.5 Billion Myanmar Port ‘Crazy,’ SuuKyi Adviser Says] and other news outlets have quoted the cost of the project at US\$7.5 billion, while the Business Standard [Business Standard (11 May 18) How Myanmar’s Kyaukyu fishing port could become a \$10 bn Chinese debt bomb] reported the project cost at US\$10 billion

⁸⁸Business Standard (11 May 18) How Myanmar’s Kyaukyu fishing port could become a \$10 bn Chinese debt bomb

⁸⁹Bloomberg (25 May 18) China’s \$7.5 Billion Myanmar Port ‘Crazy,’ SuuKyi Adviser Says

⁹⁰Myanmar Times (15 May 18) Yangon Chief minister meets farmers after bloody clash with police; Myanmar Times (15 May 18) Thilawa farmers slam grievance meeting

⁹¹Myanmar Now (31 May 18) Thilawa farmers prepare to sue military conglomerate

⁹²EarthRights (07 May 18) Myanmar Farmers Convicted in Major Land Rights Case

⁹³Frontier Myanmar (08 May 18) Yangon court finds 33 farmers guilty of trespassing in land grab case

⁹⁴Myanmar Times (15 May 18) JICA’s Dawei SEZ plan under fire for excluding site-wide assessment

DEMOCRACY AND GOVERNANCE

Finance Minister Kyaw Win ‘allowed to resign’ amid corruption probe

On 25 May, the Office of the President announced that Planning and Finance Minister Kyaw Win was ‘allowed to resign’ after it emerged he was the subject of investigations by the Anti-Corruption Commission (ACC) and the Bureau of Special Investigation concerning allegations of bribery.⁹⁵ On 23 May, ACC Chief Aung Kyi announced that a grievance was filed against Kyaw Win on 3 May, with the investigation near completion. “This does not mean that he is guilty...but if so the ACC will frankly reveal it,” he said.⁹⁶ The ACC added: “except for classified matters, the commission will reveal the results of its investigation in U Kyaw Win’s case at an appropriate time”.⁹⁷ The former minister previously worked closely with private business. Win’s LinkedIn profile stated he was a consultant for Mottama Holdings Limited, whose subsidiary Min Dhama is part of the consortium chosen to undertake the US\$2.5 billion redevelopment of Yangon Central Railway Station.⁹⁸ Once complete, the ACC will submit their findings to the president and parliament speakers. To date, Kyaw Win is the most senior government member to be investigated for corruption since the NLD took office. On 31 May, the bicameral assembly of the Lower and Upper House unanimously approved the nomination of Soe Win – member of the NLD’s Central Economic Committee and managing partner at Deloitte & Touche – to replace Kyaw Win as finance minister following his nomination by President Win Myint.⁹⁹

Kyaw Win’s resignation followed another high-profile ACC investigation that led to the 20 April arrest of former Food and Drug Administration Dir-Gen Dr. Than Htut [see *April Bulletin*].¹⁰⁰ The first hearing in Than Htut’s trial took place on 4 May at the Mandalay Divisional Court; he stands accused of violating Article 56 of the Anti-Corruption Law for allegedly accepting bribes worth more than K15 million (US\$11,170) from a construction company in exchange for tender.¹⁰¹ If convicted, Than Htut faces 10 years imprisonment and a fine.

On 21 May, the National Assembly approved Anti-Corruption Law amendments granting more power to the ACC.¹⁰² The ACC can now launch investigations without first requesting a presidential order or receiving a formal complaint, and it allows for the ACC to expand offices into more states and divisions.¹⁰³ However, the ACC remains powerless to take direct legal action against elected lawmakers, bringing its efficacy into question.¹⁰⁴

REPORTS

Amnesty International: [Myanmar: New evidence reveals Rohingya armed group massacred scores in Rakhine State](#)

Government of the United Kingdom: [House of Commons International Development Committee: Bangladesh, Burma and the Rohingya crisis - Fourth Report of Session 2017–19](#)

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⁹⁵The Irrawaddy (29 May 18) Analysis: Myanmar Planning and Finance Minister’s Case a Test of Govt Seriousness on Corruption; Irrawaddy (25 May 18) Corruption-Tainted Planning and Finance Minister Resigns

⁹⁶Frontier Myanmar (23 May 18) Investigation into case against finance minister nears completion: ACC

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⁹⁸Frontier Myanmar (23 May 18) Investigation into case against finance minister nears completion: ACC

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¹⁰⁰Frontier Myanmar (20 Apr 18) FDA chief facing 10 years prison on corruption charge; Irrawaddy (04 May 18) Court Holds Hearing in Corruption Case Against FDA Chief

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¹⁰³Irrawaddy (24 May 18) Upper House Passes Bill Expanding Anti-Corruption Commission’s Powers

¹⁰⁴Irrawaddy (28 May 18) NLD Confirms Anti-Graft Agency Has No Power to Take Legal Action Against Lawmakers