

**Network for Human Rights Documentation-Burma**



**January to June 2020**

# **An Overview of the Human Rights Situation in Burma**



Network for Human Rights Documentation–Burma

[office@nd-burma.org](mailto:office@nd-burma.org)  
[www.nd-burma.org](http://www.nd-burma.org)

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ND-Burma is also grateful to its member organisations and their fieldworkers who continue to gather invaluable testimonies at their own great personal risk.

This report would not be possible without the work of ND-Burma members and their coordinated efforts to collect evidence of human rights abuses at the expense of their safety and security. We are reminded through the voices of civilians in this report that there is still a long way to go for peace in Burma, but are nonetheless motivated by their resilience to continue to speak truth to power against forces undermining prospects for change.

We would like to express our most sincere gratitude to our supporters and institutions who have offered their unwavering support to ensure that this report was made possible.

# Glossary

AA	Arakan Army
AASYC	All Arakan Students' & Youths' Congress
AAPP	Assistance Association for Political Prisoners
ARSA	Arakan Rohingya Salvation Army
EAOs	Ethnic Armed Organisations
IDPs	Internally Displaced Persons
ICJ	International Court of Justice
ICOE	Independent Commission of Enquiry
KBC	Kachin Baptist Convention
KIA	Kachin Independence Army
KIO	Kachin Independence Organization
KNU	Karen National Union
KWAT	Kachin Women's Association Thailand
MNDAA	Myanmar National Democratic Alliance Army
MOTC	Ministry of Transport and Communications
NCA	Nationwide Ceasefire Agreement
NLD	National League for Democracy
RCSS-SSA	Restoration Council of Shan State
SSPP-SSA	Shan State Army North
TNLA	Ta'ang National Liberation Army
TWO	Ta'ang Women's Organization
TSYU	Ta'ang Students and Youth Union
UN	United Nations

# About Us

ND–Burma is a network that consists of 13–member organisations who represent a range of ethnic nationalities, women and former political prisoners. ND–Burma member organisations have been documenting human rights abuses and fighting for justice for victims since 2004. The network consists of nine full members and four affiliate members as follows.

## Full Members:

1. All Arakan Students' and Youths' Congress
2. Assistance Association for Political Prisoners
3. Association Human Rights Defenders and Promoters
4. Future Light Center
5. Human Rights Foundation of Monland
6. Kachin Women's Association – Thailand
7. Ta'ang Women's Organization
8. Ta'ang Students and Youth Union
9. Tavoyan Women's Union

## Affiliate Members:

1. Chin Human Rights Organization
2. East Bago – Former Political Prisoners Network
3. Pa–O Youth Organization
4. Progressive Voice



# Data collection method

## **Fieldworker's Situation:**

Due to the current political context in Burma in which the military is ultimately in control and armed conflict and related human rights violations occur on a large scale, security concerns are high for fieldworkers, and human rights monitoring cannot take place openly. Fieldworkers from ND-Burma's member organisations put themselves at great risk to document human rights violations. Thus, it is not possible to document the true breadth and scope of all violations that take place in Burma. Fieldworkers and the people who communicate with victims to document the violations they suffer from face security risks even in ceasefire areas, as government security forces and ethnic armed organisations (EAOs) often intimidate and/or threaten victims to remain silent. Documenting human rights violations in ethnic areas, especially in conflict areas, can lead to arbitrary arrest under repressive laws, harassment or even violent retribution.

## **Documentation:**

ND-Burma provides documentation training (with assistance from international human rights non-governmental organisations to fieldworkers of member organisations who can then collect information). Information thus gathered by fieldworkers is then used in ND-Burma reports. Fieldworkers conduct interviews and collect other information from all over the country, and individual cases are documented depending on opportunity and circumstances. The cases presented herein constitute first-hand accounts of abuses perpetrated by government security forces and EAOs.

However, there are limitations to the data collected. Fieldworkers are unable to document all human rights violation cases due to the accessibility and security restrictions. The government often restricts access to areas where human rights violations have occurred, particularly in active conflict zones, and fieldworkers refrain from entering these areas for security reasons. In addition, fear of harassment, arrest and retribution from perpetrators makes many victims of human rights abuses reluctant to report violations, even when given the opportunity. Our documentation efforts are, therefore, unable to capture every single aspect of human rights violations in our research areas.

Each organization was responsible for their own data, which may include duplicates of cases for human rights organizations based in the same region. We have maintained the integrity of the documentation by not compromising or altering what ND-Burma members have collected during the reporting period. Further, despite these challenges and difficulties, the information fieldworkers are able to gather is utilised to the highest degree to highlight the ongoing human rights abuses in Burma.

### **Data Management:**

Fieldworkers send gathered documents, case studies and information from the field first to their individual organisations, whose staff then upload the information to ND-Burma's database. ND-Burma's data management team organises each document and then selects exemplary case studies between the reporting period for each report (in this case, January to June 2020). All other information collected during this time period regarding current or past human rights violations are catalogued in order to continue developing a robust record of Burma's history of human rights violations.



## Key Findings

- There were 401 recorded cases and 446 human rights violations by member organisations from January to June 2020 across six states and one region including Rakhine, Chin, Mon, Karen, Kachin, Shan states and Tanintharyi region.
- There were 1047 victims of human rights abuses. The majority of civilians were impacted by killings, arbitrary arrest and detainment, forced displacement and torture. Northern Shan, Rakhine and Chin states experienced the most clashes. The abuses were all exacerbated by an unstable security situation.
- Over 16,000 civilians were forcibly displaced. There was forced displacement in 12 places in Chin state totaling 11,500 and at least 5000 displaced in Ann township, Rakhine state. Members documented several additional cases of villagers being forcibly relocated in states across the country.
- The main perpetrator of human rights abuses was the Burma Army, who committed 317 violations. Unknown perpetrators committed 126 abuses, Ethnic Armed Organizations committed 31, and the Burma Police committed 4.
- The Burma Army continued to systematically target civilians through ‘divide and rule’ tactics including the four cuts strategy, which seeks to deprive armed groups of food, funds, recruits and information.
- Human rights violations took place in ceasefire areas despite agreements made between Ethnic Armed Organizations and the Burma Army, particularly in northern Shan state.
- There was an increase in civilian targeting with ND-Burma member organizations documenting explicit threats against village leaders.
- Military blockages of humanitarian aid continued in conflict areas. Internally Displaced Persons (IDPs) faced many risks deciding whether or not to return to their villages, including threats of arrest, land confiscations and landmines.



- The reinstatement of the Internet shutdown in Rakhine and Chin states saw clashes between the Arakan Army (AA) and the Burma Army double.<sup>1</sup> The lack of reliable Internet in rural areas made it difficult to document human rights violations. When the Burma Army is present in hard to reach areas, the risk of documentation is even higher for the communities who may face reprisals for speaking with rights defenders or the media.
- There continued to be a shrinking space for journalists who are working in a heavily censored environment. The risks for reporting on news that contradicts what the Burma government and military is saying can result in charges and prison time.
- There was an increase in young children between the ages of 1–14 being killed or injured amid ongoing clashes, particularly in Rakhine and Chin states, where indiscriminate shelling and shooting are an ongoing occurrence in schools, villages and public places.
- None of the cases documented over the reporting period have resulted in perpetrators facing accountability under any formal justice mechanisms.

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1. “Number of clashes double after internet shut down,” 23 June 2020, Burma News International. <https://www.bnionline.net/en/news/number-clashes-double-after-internet-shut-down>



## Executive Summary

Since the release of ND-Burma's last report in March 2020<sup>2</sup>, which analyzed ongoing conflict between July and December 2019, instability and delays to democratic reforms have continued to undermine civilian safety. This reporting period showed no evidence of a decreased military presence in ethnic areas, despite fears and concerns over the global COVID-19 pandemic. The first two cases in Burma were confirmed on 23 March 2020.<sup>3</sup>

Conflict has reached a new level of desperation for civilians, particularly those living in northern Rakhine state as clashes have fueled displacement in townships including Kyauktaw, Ponnagyun, Rathedaung, Buthidaung, Mrauk-U, Minbya and Myebon. Civilian safety is further compromised in conflict areas with regular explosions and landmines. Neighboring Chin state, specifically Paletwa township, has also been subject to an exceptionally distressing situation of instability due to the fighting.

Of growing unease was the increase in Burma Army troops in northern Shan state. In June 2020, this led to the forced displacement of several thousand civilians fleeing conflict.<sup>4</sup> Locals have been regularly subjected to human rights violations including arbitrary arrest and detainment and being required to porter for soldiers. This results in injuries and casualties from landmines planted by the Burma Army and EAOs. Military impunity is a driving force of injustice for victims of violence, particularly in northern Shan state, where human rights violations are rampant and of particular worry given that the Restoration Council of Shan State (RCSS-SSA) has signed the Nationwide Ceasefire Agreement (NCA). They are also active in frequent talks with key stakeholders on the peace process. According to Ta'ang community-based organizations, including ND-Burma members, the Ta'ang Women's Organization (TWO) and the Ta'ang Students and Youth Union (TSYU), in March 2020 alone, there were 18 documented cases of arbitrary arrest, torture and being forced to porter in northern Shan state.<sup>5</sup>

2. "Human Rights Situation in Burma (July to December 2019)," Network for Human Rights Documentation. <https://nd-burma.org/human-rights-situation-in-burma-july-to-december-2019/>

3. "Myanmar confirms first coronavirus cases," 24 March 2020, Bangkok Post. <https://www.bangkokpost.com/world/1884820/myanmar-confirms-first-coronavirus-cases>

4. "Locals Fear Burma Army Troop Expansion in Kutkai Township," 7 July 2020, Shan Herald Agency for News. <https://www.bnionline.net/en/news/locals-fear-burma-army-troop-expansion-kutkai-township>

5. "Statement of the Ta'ang Community Based Organizations on Serious Human Rights by the Burmese Military," 8 April 2020. Ta'ang CSOs. <https://www.bnionline.net/en/news/amid-covid-19-pandemic-tatmadaw-continues-abusing-ta-ang-civilians-csos-say>

IDPs in Karen, Mon and Kachin states continue to face a future of uncertainty as needs in the camps are complicated by the restrictions of movement and blockages of desperately needed humanitarian aid. Thousands are in a state of limbo, unsure of when or if conditions will change for them to return to their villages safely.

During the 43rd Human Rights Council session on 10 March 2020, the United Nations Special Rapporteur (UNSR) on Burma, Ms. Yanghee Lee, presented her final oral report where she called on the Burmese authorities to cooperate with human rights mechanisms and for armed actors to cease fighting across the country.<sup>6</sup> She noted that throughout her tenure, ‘devastation and tragedy transpired,’ and that Burma continues to stand ‘accused of the most serious crimes under international law.’<sup>7</sup> Her condemnation of the human rights abuses appealed for Burma to be referred to the International Criminal Court.

Further, ND-Burma member organizations have concluded that the ongoing clashes have compromised state stability. The situation has been heightened by the pandemic as civilians have been forced to grapple with yet another reality beyond their control.

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6. “UN Investigator Wants Myanmar Brought Before International Criminal Court,” 10 March 2020, VOA News. <https://www.voanews.com/east-asia-pacific/un-investigator-wants-myanmar-brought-international-criminal-court?fbclid=I-wAR3z1PGyz90S4dbmXN3Oyeqg-NW6yZOLLHoWOILbRw1mt0gryRWJUoHmB6I>

7. Ibid



# Ceasefire Agreements

## Ceasefire Extension

In March 2020, the Three Brotherhood Alliance, which includes the Ta'ang National Liberation Army (TNLA), the Myanmar New Democratic Alliance Army (MNDAA), and the Arakan Army (AA) announced an extension of their ceasefire in a statement to last 25-days (from 1 to 25 March).<sup>8</sup> The group wrote that the purpose of the ceasefire was with the intention of ,‘building a peaceful environment for the 2020 elections, to implement negotiations and peace talks practically, so that the bilateral ceasefire agreement could be signed, peace established, an end to the civil war, and to provide collective support to overcome the Coronavirus.’<sup>9</sup> While the statement was clear on the pathways the group envisioned for a strategic and peaceful way forward, it was also the fourth time the Three Brotherhood Alliance had made their ceasefire announcement – none of which has ever resulted in a decrease in conflict.

## Unilateral Ceasefire Announcement

While the Burma Army declared a unilateral ceasefire from 10 May to 31 August 2020 to control the spread of the COVID-19 pandemic, armed groups quickly responded to the military’s decision to exclude Rakhine state.<sup>10</sup> The TNLA, AA and MNDAA issued a joint statement calling the ceasefire a ‘sham.’<sup>11</sup> The exclusion of armed groups, especially in areas of heavy conflict, to ceasefire agreements, failed to show any kind of genuine commitment to the prevention of further spread of COVID-19. Meanwhile, just days after announcing the ceasefire, the Burma Army attacked the TNLA in northern Shan state.<sup>12</sup> The Burma Army also burnt down several Karen National Union (KNU) COVID-19

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8. “Three Brotherhood Alliance announce a 25 day unilateral ceasefire extension,” 4 March 2020, Burma News International. <https://www.bnionline.net/en/news/three-brotherhood-alliance-announce-25-day-unilateral-ceasefire-extension>
  9. Ibid
  10. “Myanmar military calls unilateral ceasefire in Covid-19 fight,” 11 May 2020, UCA News. <https://www.ucanews.com/news/myanmar-military-calls-unilateral-ceasefire-in-covid-19-fight/87983>
  11. “Myanmar Rebel Coalition Calls for Military to Extend Ceasefire to Rakhine,” 11 May 2020, The Irrawaddy. <https://www.irrawaddy.com/news/burma/myanmar-rebel-coalition-calls-military-extend-ceasefire-rakhine.html>
  12. “Tatmadaw Fight with TNLA After Announcing Unilateral Ceasefire,” 16 May 2020, Burma News International. <https://www.bnionline.net/en/news/tatmadaw-fight-tnla-after-announcing-unilateral-ceasefire>

screening posts<sup>13</sup> and pressured the New Mon State Party (NMSP) to withdraw their COVID-19 medical checkpoints.<sup>14</sup> ND-Burma affiliate member, Progressive Voice, observed the lack of sincerity behind the Burma Army's announcement of a unilateral ceasefire as conflict remained, despite rising concerns over the pandemic in their May Weekly Highlight.<sup>15</sup>

Concerns over failing to include the AA in the ceasefire agreement was compounded with the information blackout in Chin and Rakhine townships. There were fears of COVID-19 spreading to at risk-communities, who already had their safety in jeopardy by living in a conflict zone with casualties and injuries rising daily. Fighting between the Burma Army and the AA has led to several roads and river routes being blocked, which has also stopped and delayed the delivery of humanitarian assistance to vulnerable groups. Civilians have restrictions on information and transportation – both which threatened their well-being.

At the beginning of June 2020, the TNLA, the MNDAA and the AA issued another statement with an offer to extend a bilateral ceasefire with the Burma Army to advance further peace negotiations.<sup>16</sup> In response, the President's office spokesperson said the government would be continuing their operations in Rakhine, justifying it on the basis that the recently branded 'terrorist organization', the AA, is committing extremist acts. Meanwhile, the peace process has emerged as a distant prospect for reconciliation, especially as political parties focus on the upcoming November 2020 national election.

13. "Burma Army KNU Screening Posts," 8 May 2020, Karen News. <http://karennews.org/2020/05/burma-army-burns-knu-covid-19-screening-posts-pandemic-causes-peace-process-further-fractures/>

14. "Tatmadaw Pressures NMSP to Withdraw C-19 Medical Checkpoint Near TPP," 16 March 2020, Mon News. <http://monnews.org/2020/05/16/tatmadaw-pressures-nmsp-to-withdraw-c-19-medical-checkpoint-near-tpb-border/>

15. "A Whitewash of a Truce and the COVID-19 Pandemic," 25 May 2020, Progressive Voice. <https://progressivevoicemyanmar.org/2020/05/25/a-whitewash-of-a-truce-and-the-covid-19-pandemic/>

16. "Ethnic armed alliance extends bilateral ceasefire offer to Tatmadaw," 4 June 2020, Burma News International. <https://www.bnionline.net/en/news/ethnic-armed-alliance-extends-bilateral-ceasefire-offer-tatmadaw>

# Human Rights Violations in Rakhine, Chin, Shan, Kachin & Karen States

## Rakhine State

Frequent clashes in Burma's war-torn Rakhine state continue to perpetuate an environment of fear.

As of April 30 2020, the total number of those displaced in Rakhine state had reached 164,211, according to a statement issued by the Rakhine Ethnic Congress.<sup>17</sup> The statement noted that out of the 164,211 IDPs, 101,670 were staying outside of camps, whereas 62,541 people were staying in displacement camps.<sup>18</sup> Over 2,300 villagers have sought shelter in Paletwa township, Chin state and other villages, based on numbers from civil society organizations. According to the Chin state government, there are over 380 villages and 100,000 people in Paletwa township and around 60,000 of them are being affected by the fighting.<sup>19</sup>

ND-Burma members, the All Arakan Students' and Youths' Congress (AASYC) and the Chin Human Rights Organization (CHRO) have been documenting rights abuses amid the conflict. According to a monthly summary of rights abuses by AASYC, most of the human rights violations in Rakhine state are landmines, artillery shelling, torture and arbitrary arrest and unlawful detainment.<sup>20</sup> In April 2020, AASYC documented 58 cases of human right violations that resulted in the deaths of 45 civilians, 57 wounded and 74 arbitrarily detained.<sup>21</sup>

A distressing observation during the reporting period was the many young children who were killed and/or suffered from life-threatening injuries in the midst of conflict. At the beginning of the year in January 2020, four Rohingya children died and six civilians were injured in a landmine explosion in Buthidaung township.<sup>22</sup> A week later, seven civilians, including three children, sustained

17. "164,211 people displaced due to conflict in Rakhine, according to REC," 5 May 2020, Burma News International. <https://www.bnionline.net/en/news/164211-people-displaced-due-conflict-rakhine-according-rec>

18. Ibid

19. "Seven Civilians Killed by Airstrike in Myanmar Chin State," 8 April 2020, The Irrawaddy. <https://www.irrawaddy.com/news/burma/seven-civilians-killed-airstrike-myanmar-chin-state.html>

20. AASYC News Bulletin

21. Ibid

22. "Mine Blast Kills 4 Rohingya Children in Myanmar's Rakhine State," 8 January 2020, The Irrawaddy. <https://www.irrawaddy.com/news/burma/mine-blast-kills-4-rohingya-children-myanmars-rakhine-state.html>

injuries from two landmine blasts in their villages.<sup>23</sup> According to information from local aid groups, the first six weeks of the year saw 15 civilians killed in Rakhine state, ten of whom were children.<sup>24</sup> By the end of the reporting period, AASYC documented a total of 90 children who were killed.<sup>25</sup>

In another attack on Children’s Day, 21 school children were injured when a primary school was shelled during clashes between the AA and the Burma Army.<sup>26</sup> On 15 February, 126 civil society organizations condemned the attacks and called for an official apology by the government and from those responsible.<sup>27</sup> Several ND-Burma members joined the statement including the Assistance Association for Political Prisoners, Future Light Center and the Kachin Women’s Association Thailand.

Between 25 and 26 March 2020, a nine-year-old was killed by an airstrike that also injured 15 civilians in Minbya township<sup>28</sup> and a grade ten student was injured when she was struck by a stray bullet while having dinner with her family.<sup>29</sup> The father of the young woman said ‘bullets were flying.’ The Burma Army was accused of being responsible for both attacks.

The loss of life was an early indicator of the unprecedented levels violence that was to come over the course of the year, with the death toll of civilian life continuing to steadily rise. In March 2020, a series of human rights violations desperately undermined the security situation:

On 12 March 2020, while walking with her family, a woman was killed and a man was injured by a gunshot fired by the Burma Army in Kyauktaw township.<sup>30</sup> Civilians were scared to bring the injured man to the hospital with concerns that they may be shot at while transporting him. By mid-March, more than

23. “Seven Injured in Rakhine State Landmine Blasts, Including Three Children,” 14 January 2002, Burma News International <https://www.bnionline.net/en/news/seven-injured-rakhine-state-landmine-blasts-including-three-children>

24. “Accountability Lacking as Civilian Casualties Mount in Myanmar’s Rakhine Conflict,” 19 February 2020, The Irrawaddy. <https://www.irrawaddy.com/opinion/analysis/accountability-lacking-civilian-casualties-mount-myanmars-rakhine-conflict.html>

25. AASYC News Bulletin

26. Shelling wounds at least 19 children in Myanmar’s Rakhine: authorities, 13 February 2020. Reuters. <https://www.reuters.com/article/us-myanmar-rakhine/at-least-19-children-hurt-by-shelling-at-school-in-myanmars-rakhine-state-authorities-idUSKBN2072AW>

27. Statement on Shelling of School on Myanmar’s Children Day, 15 February 2020. <https://progressivevoicemyanmar.org/2020/02/15/statement-on-shelling-of-school-on-myanmars-children-day/?platform=hootsuite>

28. Nine Year-Old Killed in Rakhine as Myanmar Military Launches Air Strikes Against AA, 25 March 2020, The Irrawaddy. <https://www.irrawaddy.com/news/burma/nine-year-old-killed-rakhine-myanmar-military-launches-air-strikes-aa.html>

29. Teenage girl injured by stray bullet in Maungdaw Twsp, 26 March 2020, Development Media Group. [https://www.dmediag.com/news/1331-tgi?fbclid=IwAR18Aaz59KJfGcQ35ODrVXBYn2jM\\_dEbe6DEinMu8iWjiTgML7XYUMNPLY](https://www.dmediag.com/news/1331-tgi?fbclid=IwAR18Aaz59KJfGcQ35ODrVXBYn2jM_dEbe6DEinMu8iWjiTgML7XYUMNPLY)

30. “Woman killed, man injured by gunfire at village in Kyauktaw”, 12 March 2020, Burma News International. <https://www.bnionline.net/en/news/woman-killed-man-injured-gunfire-village-kyauktaw#.Xmn3VCKJjQs.twitter>

3000 people had fled their villages as the ongoing shelling threatened their safety.<sup>31</sup> Those displaced stayed with family members with growing concerns over access to health care, education and their livelihoods.

IDPs were also subject to regular abuses as was the case on 17 March when a teenager at Tin Nyo IDP camp died from a gunshot wound after the Burma Army began indiscriminately shooting at civilians, allegedly in retaliation for a landmine that struck a military vehicle nearby.<sup>32</sup> Two other women from the Tin Nyo IDP camp also reportedly died of gunshot wounds.<sup>33</sup>

Members of Parliament said they have experienced threats for condemning violence in the region noting, “these incidents occur almost every day – people have died and been injured. Villages have been burned down, people have fled.”<sup>34</sup> Despite the allegations against the Burma Army, there has been no accountability or repercussions taken for committing grave acts of human rights abuses in the state. According to AASYC, there were 637 civilians who were killed in Rakhine state and Paletwa (Chin state) between January and June 2020.<sup>35</sup>



U Wai Bang Phyu (46) who was injured in a landmine explosion near Mahnyin Taung village on 29 March 2020 died at Sittwe General hospital on 4 April 2020 (AASYC).

31. “Thousands of residents in Kyauktaw flee artillery fire,” 16 March 2020, Burma News International. <https://www.bnionline.net/en/news/thousands-residents-kyauktaw-flee-artillery-fire#.XnA2YSH688k.twitter>
32. “13-year-old IDP is latest to die after mass shooting in Mrauk-U,” 17 March 2020, Burma News International. <https://www.bnionline.net/en/news/13-year-old-idp-latest-die-after-mass-shooting-mrauk-u>
33. Ibid
34. “ANP: Tatmadaw Threatening MPs for Exposing Rakhine State Military Violence,” 20 April 2020, Network Media Group. <http://www.nmg-news.com/2020/04/20/10593>
35. AASYC News Bulletin



On 26 June 2020, over 10 000 people were forced to leave their homes so that the Burma Army could advance their operations against the AA.<sup>36</sup> Those forced to flee were from 17 communities living in Kyauktan village. Following this order, the embassies of Australia, Canada, the United States and the United Kingdom expressed concern over the clearance operations, writing that the ‘protection of civilians, their property and livelihoods by all parties must be prioritized.’<sup>37</sup> The United Nations (UN) also voiced worry about the humanitarian impact of conflict in Rakhine and Southern Chin states calling on ‘all parties to respect international humanitarian law.’<sup>38</sup>

The increased rate of casualties prompted the International Arakanese Community to appeal to the UN and international governments to ‘protect all communities from genocide and war crimes in Arakan state.’<sup>39</sup> On 23 April 2020, the International Campaign for Arakan called for an urgent response to the independent investigative mechanism for Burma due to the escalation of the civil war in Rakhine state.<sup>40</sup> Civilians in these areas are in desperate need of supplies and access to food, water and hygiene items. Instability in the region has made locals fearful to leave their homes to access basic essential items, as there is also the risk of being detained or arrested by armed groups. Further, medical facilities struggled to keep up with the influx of patients in desperate need of life-saving support. These fears have only been heightened further in the midst of the COVID-19 pandemic.

36. “Myanmar Army Orders Cluster of Villages Housing 10,000 Emptied For Rakhine Operation,” 26 June 2020, Radio Free Asia. <https://www.rfa.org/english/news/myanmar/villages-emptied-06262020185734.html>

37. “Statement from Diplomatic Missions in Myanmar,” U.S. Embassy in Burma, 27 June 2020. <https://mm.usembassy.gov/statement-from-diplomatic-missions-in-myanmar-0627/>

38. “The United Nations expresses concern over the humanitarian impact of conflict in Rakhine and southern Chin states and calls on all parties to respect International Humanitarian Law and allow humanitarian access,” 28 June 2020, UNCT Myanmar. <https://reliefweb.int/report/myanmar/united-nations-expresses-concern-over-humanitarian-impact-conflict-rakhine-and>

39. Urgent Appeal to the United Nations and International Governments,” International Arakanese Community, 13 April 2020. <https://progressivevoicemyanmar.org/2020/04/14/urgent-appeal-to-the-united-nations-and-international-governments/?platform=hootsuite>

39. Urgent Appeal to the United Nations and International Governments,” International Arakanese Community, 13 April 2020. <https://progressivevoicemyanmar.org/2020/04/14/urgent-appeal-to-the-united-nations-and-international-governments/?platform=hootsuite>

40. “Rakhine State is Calling for An Urgent Response from the UN Independent Investigative Mechanism for Myanmar,” 23 April 2020, The International Campaign for Arakan [https://twitter.com/Arakan\\_Today/status/1253340778639720451/photo/1](https://twitter.com/Arakan_Today/status/1253340778639720451/photo/1)



## Chin State

Over the last six months of the reporting period, conflict in Chin state, specifically in Paletwa township, has devastated the lives of civilians living along the western border. The results of the regular clashes between the Burma Army and AA has been well documented by ND–Burma affiliate member, CHRO, who has shared regular updates as the situation intensifies. Civilians in Chin state have been forcibly displaced, killed and injured by indiscriminate artillery firing and life-threatening injuries from landmines. CHRO has also acknowledged cases of livestock being stolen and killed by the Burma Army from local civilians.<sup>41</sup>



The impact of the fighting has taken its toll on civilian livelihoods with regular demands for forced labor by armed groups disrupting the work on their farms, as is the constant threat of abduction and landmines. Curfew orders enacted because of COVID-19 made this more dangerous as farms are very far away from local villages. In order to secure a living while living in Miza, IDPs took risks to travel to the Kaladan river (a 3-hour round trip) and collect sand to bring back and sell to construction sites.<sup>42</sup> The curfew and military patrols made this journey incredibly dangerous, as was documented by CHRO on 5 February 2020 when a boat carrying civilians traveling between Paletwa (Chin state) and Kyauktaw (Rakhine state) was fired upon, killing one and injuring two. The passenger boat was attacked at Tinma Village and a 15-year-old boy was killed and two girls were injured.<sup>43</sup> Those caught traveling at night also risked being shot on sight.

41. “IDPs and local communities raise concerns of looting of livestock by Tatmadaw in Paletwa Township,” 15 July 2020, CHRO Situation Update <https://mailchi.mp/chro.ca/news-releaseidps-raise-concerns-of-looting-by-tatmadaw>

42. CHRO News Bulletin

43. “Civilians Stranded as Clashes between Tatmadaw and AA kill one and injure two as Passenger Boat is Fired Upon,” 5 February 2020, CHRO Situation Update. <https://mailchi.mp/chro.ca/civilians-stranded-in-kyauktaw-town-rakhine-state-ongoing-clashes-restrict-movement-along-kaladan-river>

CHRO uses three categories to describe the status of IDPs: 1) villagers directly impacted by conflict 2) villagers close to conflict and IDPs fleeing in anticipation of conflict and 3) IDPs trapped by conflict and movement restrictions.<sup>44</sup> According to the organization, there is an estimated 11,500 IDPs and 60 000 civilians affected by conflict.<sup>45</sup>

Those displaced remain in need of aid, where local Chin organizations have attempted to distribute as much food and materials as they can. In March 2020, clashes that intensified in Paletwa forcibly displaced over 2000 local people who sought safety in Samee.<sup>46</sup> The total number of refugees and IDPs in Samee is 3486, out of which 1847 are female and 1639 are male. They are currently living in five temporary makeshift camps.<sup>47</sup> Restricted humanitarian access and closed entry points has made facilitating aid all the more difficult. More food is needed, as is adequate health care and access to education, which has also been compromised due to the fighting. Ongoing clashes, such as those that took place on 14, 15 and 16 March 2020 in Paletwa killed 21 and injured 35 from fighter jet bombing. CHRO expressed its deepest concerns at the escalation of civilian deaths and casualties as a result of indiscriminate airstrikes and shelling of civilian populations and infrastructure.<sup>48</sup>

Civilians in Paletwa have told CHRO that fighting between the AA and Burma Army is taking place closer to town, which only exacerbates their fears more intensely. Around 5PM on 22 April 2020, artillery was fired into the middle of Paletwa and exploded between the Myanmar Economic Bank and a nursery school.<sup>49</sup> The blast killed a female employee of the bank, Daw Ei Thandar and her daughter, 4-year-old Elizabeth Moe Moe Aung, and another child, 9-year-old Maung Maung Win, the son of Daw Myat Lay Nwe.<sup>50</sup>

CHRO says fighting in southern Chin state has killed dozens with civilians living in a state of apprehension, and frequent gunfire being heard around their villages. Combined with sporadic phone service, it has been difficult for

44. CHRO News Bulletin

45. CHRO News Bulletin

46. Thousands of Villagers Flee Fighting and Seek Refuge in Samee, 20 March 2020, Burma News International. <https://www.bnionline.net/en/news/thousands-villagers-flee-fighting-and-seek-refuge-samee#.Xnhls0pIcJQ>twitter

47. CHRO News Bulletin

48. CHRO Calls for Immediate Ceasefire Between Tatmadaw and Arakan Army (AA) as a Sharp Increase in Civilian Death and Casualties Mount in Paletwa Township, Chin State,” 16 March 2020, Press Statement, Chin Human Rights Organization <https://mailchi.mp/chro.ca/press-statement-urgent-call-for-ceasefire-between-tatmadaw-and-arakan-army-as-sharp-increase-in-civilian-death-and-casualties-takes-place>

49. “3 Civilians Die in Cross-fire as Heavy Artillery Hits Paletwa Town Amidst Ongoing Fighting,” 22 April 2020, CHRO Situation Update. <https://mailchi.mp/chro.ca/news-release-3-dead-as-paletwa-town-is-bombed?e=7ac0b2f30c>

50. Ibid

civilians to get news about what is happening<sup>51</sup>. The Internet ban imposed by the Burma government for over a year in several townships of Rakhine and Chin, has compromised access to information further.

In June 2020, CHRO released an update on the human rights situation civilians face in conflict areas, noting how road blockages by the Burma Army limit access civilians have to food and materials.<sup>52</sup> In addition to limited mobility, those who do travel face extreme risks, as was the case on 10 June 2020 when CHRO documented a case of a 43 old man from Paletwa township who was shot and killed by the Burma Army for transporting rice to IDPs.<sup>53</sup>

Despite the track record of regular abuses, remarkably on 21 April 2020, the Office of the State Counsellor released a statement expressing ‘satisfaction and joy’ in response to news that rice supplies had been delivered to civilians in Paletwa township.<sup>54</sup> Daw Aung San Suu Kyi praised the efforts of the military who ‘discharged their duties with courage and dedication.’ On the same day the State Counsellor released her statement, a driver for the World Health



WHO employee, Pyae Sone Win Maung, carrying COVID-19 test samples in Rakhine state was shot and killed (Photo : Irrawaddy)

Organization carrying COVID-19 test samples in Rakhine state was shot and killed.<sup>55</sup> The other passenger was injured and received treatment. Numerous rights organizations condemned the attack – which neither the AA or Burma Army has taken responsibility for. The United States of America voiced their

51. “Dozens Of Civilians Killed By Fighting In Southern Chin State,” 20 April 2020, Burma News International. <https://www.bnionline.net/en/news/dozens-civilians-killed-fighting-southern-chin-state>
52. “Tatmadaw Blockade Creates Food Crisis in Ann Township, Rakhine State,” 22 June 2020, CHRO Situation Update. <https://mailchi.mp/chro.ca/news-release-food-shortages-as-blockade-continues-in-ann-township-rakhine-state?e=3cd-365dea0>
53. “IDP Shot Dead by the Tatmadaw as Truck on Aid Mission is Attack in Paletwa Township,” 12 June 2020, CHRO Situation Update. <https://mailchi.mp/chro.ca/idp-shot-and-killed-by-tatmadaw>
54. “Myanmar State Counsellor Office Puts Out Statement,” 21 April 2020. [https://twitter.com/cape\\_diamond/status/1252590908895191040/photo/1](https://twitter.com/cape_diamond/status/1252590908895191040/photo/1)
55. “WHO Driver Transporting COVID-19 Swabs Killed as Vehicle Attacked in Western Myanmar,” 21 April 2020, The Irrawaddy. <https://www.irrawaddy.com/specials/myanmar-covid-19/driver-transporting-covid-19-swabs-killed-vehicle-attacked-western-myanmar.html>

concern for the growing state of violence and ‘expressed deepest sympathies for all those affected by the violence’.<sup>56</sup> They called for all parties to cease fighting, to take necessary precautions to protect local communities and pursue peaceful dialogue. In a related incident, on 22 April 2020, another driver of a company transporting disinfectant was struck after being shot in the head and died, and the other was injured.<sup>57</sup>

As tensions between the AA and the Burma Army escalate, the livelihoods and overall safety and security of civilians remain at risk. With blockages to humanitarian aid making the situation worse, the most vulnerable in Chin state have been forced to fend for themselves. According to Radio Free Asia, at least 63 civilians have been killed and more than 160 people have been injured during clashes between government and AA troops in northern Rakhine and in Chin’s Paletwa township between February 26 and April 1 2020.<sup>58</sup> Civil society organizations are also struggling to keep up with the needs with limited resources and restricted access. Additionally, military impunity for crimes committed is rampant, despite calls from the international community and evidence of abuses from the United Nations Fact-Finding mission.<sup>59</sup> These calls must not be made in vain. The Burma government and military need to act with the utmost urgency to stabilize the situation in Chin state and commit to peaceful negotiation to show their dedication for peace in the country.

## Shan State

At the beginning of the year, ND-Burma member, TSYU released a statement on the impacts of landmines on civilians and war weapons in Ta’ang regions.<sup>60</sup> TSYU denounced any use of landmines by armed organisations or the Burma Army.<sup>61</sup> The statement included several cases of civilians injured or killed while doing activities to sustain their livelihoods. Landmines accounted for a significant amount of civilian deaths and injuries in Shan state, according to documentation by member organizations during this reporting period.

56. “Concern for Growing Violence in Rakhine and Chin States, Burma,” Press Statement, Morgan Ortagus, Department Spokesperson <https://www.state.gov/concern-for-growing-violence-in-rakhine-and-chin-states-burma/?fbclid=IwAR1ukipsOW0Nnely0KLiL5bpAN7xBZDU23abWzAr9d6EJlShXui3kSqBryg#.XoVoXGMgHIY.facebook><https://www.irrawaddy.com/specials/myanmar-covid-19/myanmar-firms-make-face-masks-meet-covid-19-demand.html>
57. “Villager Killed, Nine Hurt as Myanmar Military, AA Clash in Rakhine State,” 22 April 2020. The Irrawaddy. <https://www.irrawaddy.com/news/burma/villager-killed-nine-hurt-myanmar-military-aa-clash-rakhine-state.html>
58. “Fighting Kills Five as Violence in Myanmar’s Rakhine State Draws US Concern,” 2 April 2020, Radio Free Asia. <https://www.rfa.org/english/news/myanmar/five-killed-04022020210319.html>
59. “Detailed findings of the Independent International Fact-Finding Mission on Myanmar,” 16 September 2019, 42nd Human Rights Council. [https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/20190916/A\\_HRC\\_42\\_CRP.5.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/20190916/A_HRC_42_CRP.5.pdf)
60. “Landmine Use is Impacting Human Rights in Ta’ang Areas.” 31 January 2020, Ta’ang Students and Youth Union Statement, <https://www.facebook.com/175246293133923/posts/490179294973953/>.
61. Ibid

In a news release by Fortify Rights that called on the Burma government to abide by international landmine clearance standards, ND–Burma member, TWO said it was not enough to only clear landmines; they must also stop using landmines and to work with civil society.<sup>62</sup> Lway Chee Sangar, spokesperson for TWO, encouraged the government to work closer with civil–society organizations who have experience supporting victims who have been hit by landmines.<sup>63</sup>

Inclusion and consultation by the Burma government are part of long–standing demands made by local groups who are regularly monitoring the situation on the ground. According to the statement, on 12 June 2020, the Union Minister of Social Welfare, Rescue and Resettlement announced that, ‘the government would establish two bodies to clear landmines nationwide to support efforts to resettle civilians displaced by armed conflict.’<sup>64</sup> However, the government did not specify a timeline for creating either body.<sup>65</sup> The urgency on this matter was only reinforced further by an alarming new 2020 report by the Mine Risk Working Group, which said more than 20 civilians were killed and 100 more injured in landmine blasts.<sup>66</sup> Rakhine state accounted for 56% of total deaths and injuries, followed closely by Shan and Kachin states, as civilians remain at a high risk in conflict areas.<sup>67</sup> From January through May 2020, the report states that 26 people were killed, and 104 injured in mine explosions.<sup>68</sup> Civilians are killed by landmines doing everyday tasks to secure their livelihoods. Farmers are especially at risk as they travel to their farms through areas where conflict is active. Local people are also in jeopardy when they are forced to porter for Burma Army soldiers who are not familiar with remote parts of Shan state.

In a case documented by TWO, on 15 March 2020, 15 villagers from Kyauk Myan village, Kutkai township in northern Shan state were arrested, investigated and tortured by the Light Infantry Division (LID) 99, 88 and 55. Out of the 15 villagers, four were seriously injured. One of the victims explained that him and his friends were building a house when Burmese soldiers entered the village, pointed a gun to his head and gathered them together. He said, “We were

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62. “Myanmar: Abide by International Landmine Clearance Standards,” News Release, 25 June 2020. <https://www.fortify-rights.org/mya-inv-2020-06-25/>

63. Ibid

64. Ibid

65. Ibid

66. “Twenty-Six Killed, Over 100 Injured by Land Mines in Myanmar Since January, Says Report,” 18 June 2020. <https://www.irrawaddy.com/news/burma/twenty-six-killed-100-injured-land-mines-myanmar-since-january-says-report.html>

67. Ibid

68. Ibid



An innocent civilian, Mai Aik Soe, who was killed (TSYU)

forced to lay down on the ground as they hit our faces, and searched our homes and took our money.”

Then the villagers were forced to porter for them between Pan Sat and Kyauk Myan village. They asked a civilian, Mai Aike Sin, who was driving his car to bring their materials. They said kicked his head with his hands tied behind his back: “They hit me until I was unconscious. When I was awake, they hit me again.” The villagers were all released around 7PM.

The arrested villagers were, Aike Yine (1), Aike Yine (2), Aike Sam (1), Aike Sam (2), Aike Sam (3), Mai Aike Hla, Mai Aike Swe, Mai Aike Lot, Mai Aike Lum, Lway Aye, Lwe Ai, Mai Aung Kham, Mai Aike Nyi, Mai Aike Nyi Sam and Ta Aike Sin. The driver was also arrested on the way.

Burma has not acceded to the Mine Ban Treaty, despite an initiative launched by the International Campaign to Ban Landmines in 2003. The Burma Army, nor any of the armed groups who have signed the NCA, have committed to a process of widespread landmine clearance.<sup>69</sup>

Clashes between the RCSS–SSA, the TNLA and the Burma Army have caused fear and unrest in Namkham, Namhsan, Kutkai, Mongmit, Lashio, Kyaukme, Muse and Manton townships in Shan state.<sup>70</sup> The majority of the victims in

69. Myanmar: Abide by International Landmine Clearance Standards,” News Release, 25 June 2020. <https://www.fortify-rights.org/mya-inv-2020-06-25/>

70. TSYU, TWO News Bulletin

these clashes are villagers based on documentation from TSYU and TWO. Youths, monks and children accounted for the remainder of those who suffered from human rights abuses. Of the 31 cases reported collectively by TWO and TSYU, just four cases included reparations through informal compensation and negotiation channels.<sup>71</sup>

Kyaukme township, in northern Shan state, has been declared a ‘black zone’ because it is an active area of conflict between armed groups including the TNLA, RCSS-SSA, SSPP-SSA and the Burma Army. Human rights violations take place in Kyaukme at an alarming rate and without accountability. On 18 May 2020, two women (Daw Aye Yin, 60 and Daw Aye Htwe, 58) who lived in Pha Lin Chaung Chalk village tract, Kyaukme township were brutally killed by an unknown perpetrator while working on the tea farm they were living on.<sup>72</sup> The police arrived, filed the case and are continuing with an investigation into their murder. The injuries sustained by Daw Aye Yinn included a wound in her ear right side, eye right side, and incisions to the back and sides of her head. Daw Aye Htwe had similar wounds on the back and left side of her head. Ta’ang rights groups including TSYU and TWO demanded justice for the families of two murdered women.<sup>73</sup>

Burma Army deployments in eastern Shan threatened the safety and security of IDPs along the Thai border when over 800 troops entered the area in June 2020.<sup>74</sup> Human rights violations systematically increased into July, as was one documented case of indiscriminate shelling by the Burma Army in Pankyan village in northern Shan state, which killed a man and injured a woman.<sup>75</sup> There has been exceptional resistance to the fighting and ongoing targeting of civilians by local people and rights monitoring groups including the Shan Human Rights Foundation and ND-Burma members, TWO and TSYU.

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71. Ibid

72. TSYU News Bulletin

73. Joint Statement by Ta’ang Rights Groups, 22 May 2020 <https://www.facebook.com/taangwomenorganization/posts/2755904034681428>

74. “Locals Fear Burma Army Troop Expansion in Kutkai Township,” 7 July 2020, Shan Herald Agency for News. <https://www.bnionline.net/en/news/locals-fear-burma-army-troop-expansion-kutkai-township>

75. “Burma Army Fires Artillery Shell Into Kyaukme Village, Killing Civilian,” 30 June 2020, Shan Herald Agency for News <https://english.shannews.org/archives/21252>





## Kachin State

In January 2020, a national-level policy discussion on the resettlement of Kachin IDPs was held. Government representatives continued to advocate for the closure of IDP camps – despite concerns from civil society that IDPs were worried about not being able to reclaim land that was left behind.<sup>76</sup> While members of the Burmese government insist that closures will happen ‘in line with international norms,’ those working with IDPs are concerned nonetheless. According to ND-Burma member, the Kachin Women’s Association Thailand (KWAT), there are approximately 120 000 IDPs as a result of armed conflict in Kachin and northern Shan state, who are staying in 173 camps.<sup>77</sup> Of those camps, 17 are in controlled areas of the Kachin Independence Organization (KIO), close to the Chinese border.<sup>78</sup>



A landmine survivor in Kachin State (KWAT)

The unmet needs of IDPs in Kachin state remain a constant concern for civil society organizations working to support them. Of significant unease are the education needs for school children. There are 45% of IDPs who are under 18 and mostly students who do not have enough school materials, such as books, and pens, and are also limited in their access to apply and attend University.<sup>79</sup> Most of the challenges for IDPs in Kachin state are due to the shift in funding support<sup>80</sup> which took place after the 2015 election. In addition to the cuts, the Burmese government has also been blocking international humanitarian aid, which has left some camps without any support at all.<sup>81</sup> Not surprisingly, IDPs

76. “Govt Talks Explore Closure of Kachin IDP Camps,” Burma News International, 10 January 2020. <https://www.bnionline.net/en/news/govt-talks-explore-closure-kachin-idp-camps>

77. KWAT News Bulletin

78. Ibid

79. Ibid

80. “Myanmar government ‘weaponized’ denial of aid to ethnic Kachin displaced by conflict: Fortify rights,” Refworld, 30 August 2018. <https://www.refworld.org/docid/5bb72e15a.html>

81. Ibid

are restless and want to return to their homelands but are worried about the security in their villages, where there is the threat of an outbreak of conflict, confiscated land and loss of livelihood, or landmines. Humanitarian aid must be provided through cross border channels to IDPs in Kachin and other ethnic areas until they can return voluntarily, safely and with dignity.

Five years after the brutal rape and murder of two Kachin teachers in northern Shan state, the Kachin Baptist Convention (KBC) remains determined to bring justice against the perpetrators.<sup>82</sup> “We are hurt that the perpetrators remain free, but we expect to uncover their identities soon,” said Rev. Lagang Ze Hkawng, assistant secretary of the KBC, for which the two victims were volunteer teachers.

KWAT continues to document cases of gender-based violence and conflict related sexual violence where women are at an increased risk of exploitation in areas with an ongoing military presence. The scope of justice for survivors who experience rape and assault in conflict is minimal, as victims are too often left with limited justice referral pathways, especially during the pandemic where perpetrators are likely to evade responsibility. Advocacy and the mobilization of all actors of state and local leadership is required to ensure these cases are heard and processed through impartial court proceedings.

Fighting increased between the Burma Army and Kachin Independence Army (KIA) in June having clashed for four days straight in Kutkai township, northern Shan.<sup>83</sup> The hostilities took place despite the Burma Army issuing a unilateral ceasefire from 10 May until the end of September 2020.

In the Hpakant region, the Burma Army sent more troops and occupied most of the areas where jade and gold mining take place. In January 2020, the Light Infantry Battalion 123, shelled and shot at local villages.<sup>84</sup> In May 2020, the Burma Army was also responsible for looting civilian property and torturing them.<sup>85</sup> They arbitrarily arrested some villagers in Muse townships. The villagers do not feel safe working on their farms because of landmine problems and frequent deployments of Burma Army soldiers. Ongoing fighting with the Burma Army remains with the KIA, TNLA, and RCSS-SSA even though the RCSS-SSA has signed the NCA.

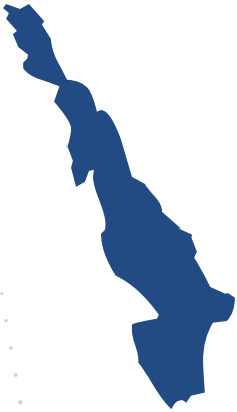
82. “Group vows to find Kachin teachers’ killers,” 21 January 2020, The Myanmar Times. <https://www.mmmtimes.com/news/group-vows-find-kachin-teachers-killers.html>

83. “Burma Army and KIA Clash for Four Days Straight in Northern Shan State,” 22 June 2020, Burma News International <https://www.bnionline.net/en/news/burma-army-and-kia-clash-four-days-straight-northern-shan-state>

84. KWAT News Bulletin

85. Ibid

## Karen State



In southeastern Burma, tensions between the KNU and the Burma Army increased during the reporting period. Local villagers experienced indiscriminate shelling, torture, threats, and injuries and death from landmines. Aid-workers and civil society on the ground have also reported displaced people in urgent need of medicine, shelter and materials. The clashes have taken place despite a ceasefire pact, which has forced many to flee indiscriminate gunfire. From January 29 to 11 February 2020, the Burma Army shelled more than 126 mortars into villages in Mutraw areas. Burmese soldiers were also responsible for burning down more than 40 farms belonging to innocent civilians.<sup>86</sup>

Fighting has been taking place more often as the Burma Army continues with the controversial expansion of a road in Mutraw district. The development project comes at the cost of displacing villagers who are also at risk of indiscriminate shelling during clashes between the KNU and the Burma Army. Their right to safety and peaceful living has been unjustly compromised by a development project that will make the transfer of supplies and materials to Burma Army bases easier. Despite the reports of Karen civilians fleeing shelling, the Burma Army has denied any involvement.<sup>87</sup> The KNU called on the Burma Army to stop doing road work<sup>88</sup> and rejected an appeal by a General of the Burma Army who claimed that the KNU ‘should have an open mind regarding the military’s expansion of an old road in Karen state.’<sup>89</sup> In response to the escalation of abuses, the KNU issued a statement alleging that the Burma Army took advantage of the NCA by doubling the number of troops in Karen state in Brigades 5 and 7.<sup>90</sup> Under the bi-lateral preliminary ceasefire agreement signed in 2012 between the KNU and the Burma Army, troop movements must be in consultation with the two parties.

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86. “Karen Women’s Group Calls for Boycott of Companies’ Linked to Burma’s Military,” 27 February 2020, Burma News International. <https://www.bnionline.net/en/news/karen-womens-group-calls-boycott-companies-linked-burmas-military>
87. “Myanmar Military Denies Shelling Villages in Karen State,” 11 February 2020, The Irrawaddy. <https://www.irrawaddy.com/news/burma/myanmar-military-denies-shelling-villages-karen-state.html>
88. “KNU to Myanmar Military: Stop Road Building Until Dispute is Settled,” 20 February 2020, The Irrawaddy. <https://www.irrawaddy.com/news/burma/knu-myanmar-military-stop-road-building-dispute-settled.html>
89. KNU Rejects Myanmar General’s Appeal to ‘See the Big Picture’ 25 February 2020, The Irrawaddy. <https://www.irrawaddy.com/news/burma/knu-rejects-myanmar-generals-appeal-see-big-picture.html>
90. “KNU: Burma Army Militarization Forces Karen to Flee Villages – Government Used National Ceasefire Agreement to Increase its Troops in Brigades 5 and 7,” 2 June 2020, Karen News, [http://karennews.org/2020/06/knu-burma-army-militarization-forces-karen-to-flee-villages-government-used-national-ceasefire-agreement-to-increase-its-troops-in-brigades-5-and-7/?fbclid=IwAR0OHEZ5SAgq8fHT5mH9dsSCzi\\_6RLCEX1Xf\\_ihXiNUc4enO9\\_AY\\_51a5yg](http://karennews.org/2020/06/knu-burma-army-militarization-forces-karen-to-flee-villages-government-used-national-ceasefire-agreement-to-increase-its-troops-in-brigades-5-and-7/?fbclid=IwAR0OHEZ5SAgq8fHT5mH9dsSCzi_6RLCEX1Xf_ihXiNUc4enO9_AY_51a5yg)

## Internet Shutdown in Rakhine, Chin states Continues to Undermine Civilian Safety

Freedom of expression continued to decline during this reporting period. Crackdowns worsened in February 2020 when the Ministry of Transport and Communications (MOTC) ordered a shutdown of Internet services in five townships in Rakhine, and one in Chin state.<sup>91</sup> The move came shortly after the AA released a statement claiming it would soon provide GPS locations and concrete evidence of massacres and mass graves of the Rohingya by the Burma Army.<sup>92</sup> The reinstatement followed previous restrictions on mobile Internet in nine townships on 21 June 2019. The decision immediately came under fire by international human rights watchdogs including Human Rights Watch<sup>93</sup>, Fortify Rights<sup>94</sup> and independent experts appointed by the Human Rights Council.<sup>95</sup>

Over a year later, activists continue to call for an end to one of the world's longest Internet shutdowns. The government has given no indication of resuming access to the thousands of civilians, despite the vital need for information especially in the wake of the COVID-19 pandemic. On the contrary, the Burma Army has said the ban will continue.<sup>96</sup>

In June 2020, six activists were charged for protesting the Internet ban, and were taken into custody for hanging posters in Yangon.<sup>97</sup> The banner called into question the integrity of the Internet ban, suggesting it as a coverup to possible atrocities. Between June 2018 and May 2019 before the shutdown was imposed, there were 129 clashes, according to Rakhine political parties, civil society organisations and media groups.<sup>98</sup> In the months from June 2019 to May 2020 after the ban was imposed, the number of armed clashes more than

91. "Internet Ban Reimposed in Five Townships in Western Myanmar," 4 February 2020, The Irrawaddy. <https://www.irrawaddy.com/news/burma/internet-ban-reimposed-five-townships-western-myanmar.html>

92. "Rejection statement on the accusations against the Arakan Army at the press conference of the Myanmar Army," 3 February 2020. <https://twitter.com/matthewfsmith/status/1225098363491635201/photo/1>

93. "Myanmar: Lift Internet Restrictions in Rakhine and Chin States," 13 February 2020, Human Rights Watch. <https://www.hrw.org/news/2020/02/13/myanmar-lift-internet-restrictions-rakhine-and-chin-states>

94. "Myanmar: End Internet Restrictions in Rakhine and Chin States," 13 February 2020, Fortify Rights. <https://www.fortifyrights.org/myanmar-end-internet-restrictions-in-rakhine-and-chin-states/>

95. "UN experts concerned at surge in civilian casualties in northwest Myanmar after internet shutdown," 18 February 2020, UNOCHA <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25572&LangID=E>

96. "Internet Ban in Myanmar's Rakhine And Chin States Will Continue, Military Says," 23 June 2020, Radio Free Asia. <https://www.rfa.org/english/news/myanmar/ban-06232020164951.html>

97. "Six Activists Charged For Protest Against Internet Ban in Myanmar's Rakhine," 6 June 2020, Radio Free Asia. <https://www.rfa.org/english/news/myanmar/activists-charged-06242020154538.html>

98. "Number of clashes double after internet shut down," 23 June 2020, Burma News International <https://www.bnionline.net/en/news/number-clashes-double-after-internet-shut-down>

doubled to 273.<sup>99</sup> In addition to the Internet shutdown, the MOTC directed four major telecommunication service providers to block 221 media websites, many of which are ethnically run and supported, in order to ‘combat disinformation amid the government’s campaign to contain the spread of COVID-19.’<sup>100</sup>

The shutdown of mobile Internet access in townships in Rakhine and Chin states as well as the blocking of ethnic media websites violates rights to freedom of expression. The decision to continue to enact the ban by the government poses a threat to civilian safety and is not in line with democratic principles. ND–Burma member organizations supported calls for Internet to be reinstated immediately, and for the Burma Army to be held accountable to the crimes committed against the backdrop of the shutdown. The government must listen and address the repeated calls by human rights organizations to amend the Telecommunications Law, specially Section 77 which allows the government to justify the instability in Rakhine and Chin states by declaring it an ‘emergency situation’ that grants them the authority to suspend a telecommunications service. These justifications are unreasonable and indicate an abuse of power that will only see Burma’s human rights record further deteriorate.

According to International Human Rights Law, Internet shutdowns are only justified when they are deemed necessary under a three–part legal test<sup>101</sup> for restrictions on the freedom of expression. In most cases, shutdowns have not succeeded in achieving its aims. However, in fact, it promotes unrest and encourages more people to join protests calling for the bans to be lifted. Despite the government’s insistence that the shutdown in Rakhine and Chin states is one of national security, blocking access to information amid a pandemic and an increasingly dangerous security situation shows an alarming disregard for human rights and an enforcement of outdated laws.

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99. Ibid

100. “Blocked websites, internet shutdown, and media arrests undermine free speech in Myanmar,” 6 April 2020, Global Voices. <https://globalvoices.org/2020/04/06/blocked-websites-internet-shutdown-and-media-arrests-undermine-free-speech-in-myanmar/>

101. See Three Part Legal Test: Under international human rights law, some limits on freedom of expression are allowed. Does this mean that any restriction is permitted? Only if it passes the “three-part test” of legality, legitimacy and proportionality. Read more: <https://everyoneshallhavetheright.wordpress.com/3-part-test/>



# Justice Updates

## Historical Ruling in ICJ-Case

In January 2020, the International Court of Justice (ICJ) ordered Burma to prevent genocide against the Rohingya by implementing emergency measures.<sup>102</sup> Prior to the verdict, 103 civil-society organizations released a statement welcoming long overdue repercussions against the Burma Army. The fixing of time-limits for the initial pleadings, which require Burma's compliance, were subsequently released at the end of January.<sup>103</sup>

The judgement was a direct blow to the Independent Commission of Enquiry (ICOE) which was the government led investigation tasked with scrutinizing human-rights abuses following the 2016 and 2017 attacks by the Arakan Rohingya Salvation Army (ARSA). The summary findings fed into the widespread belief that Burma's justice systems are incapable of holding the Burma Army accountable, as most of the blame was put on ARSA.<sup>104</sup>

On 23 May 2020, the Burmese government delivered its first report to the ICJ on their efforts since the verdict in January on what steps they have taken to protect the Rohingya from further persecution. A short summary of violations by the Burmese Rohingya Organization UK detailed the abuses that had taken place since the provisional orders were given.<sup>105</sup>

There were several responses by the international community, including various UN bodies on the provisional measures. On 5 February 2020, the UN Security Council's European Union member states including France, Estonia, Germany and Belgium urged Burma to comply with measures by the ICJ to take the

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102. International Court of Justice Orders Myanmar to Prevent Genocide Against the Rohingya, 23 January 2020, The Washington Post. [https://www.washingtonpost.com/world/asia\\_pacific/international-court-of-justice-orders-myanmar-to-prevent-genocide-against-the-rohingya/2020/01/23/ff383ff4-3d29-11ea-afe2-090eb37b60b1\\_story.html](https://www.washingtonpost.com/world/asia_pacific/international-court-of-justice-orders-myanmar-to-prevent-genocide-against-the-rohingya/2020/01/23/ff383ff4-3d29-11ea-afe2-090eb37b60b1_story.html)

103. "Fixing of Time-Limits for the Filing of the Initial Pleadings," 28 January 2020, Press Release: International court of Justice. <https://progressivevoicemyanmar.org/2020/01/28/fixing-of-time-limits-for-the-filing-of-the-initial-pleadings/>

104. "Highlights from the Summary of Myanmar Report on Human Rights Violations in Rakhine," 24 January 2020, The Irrawaddy. <https://www.irrawaddy.com/news/burma/highlights-summary-myanmar-report-human-rights-violations-rakhine.html>

105. A Continuing Genocide? – Myanmar's Failure To Implement The International Court Of Justice Provisional Measures Order, 24 May 2020, Burmese Rohingya Organization UK [https://www.brouk.org.uk/a-continuing-genocide-myanmars-failure-to-implement-the-international-court-of-justice-provisional-measures-order/?fbclid=IwAR3tS2GONo-WAv\\_Cg5VWgIaFgoCKdmTRclfr5Jp9u3FazS18bURNSaNTAy8o](https://www.brouk.org.uk/a-continuing-genocide-myanmars-failure-to-implement-the-international-court-of-justice-provisional-measures-order/?fbclid=IwAR3tS2GONo-WAv_Cg5VWgIaFgoCKdmTRclfr5Jp9u3FazS18bURNSaNTAy8o)

urgently required steps to prevent genocide.<sup>106</sup> In a disappointing decision, UN Security Council members failed to agree on a statement urging Burma to adhere to the ICJ measures and commit to the four provisional measures related to compliance with the Genocide Convention issued by the ICJ.<sup>107</sup> China and Vietnam objected to the statement in a closed-door meeting.<sup>108</sup>

In February 2020, members of the European Burma Network called on the European Network to ‘strengthen its commitment to human rights’ by prioritizing the release of political prisoners, and urging the Burmese government to reform repressive legislation in line with international standards.<sup>109</sup> During this reporting period and the ones before it, Burma’s human rights record had been critiqued for using outdated, colonial era laws to repress and silence human rights defenders and civilians. The call was a response to the continued blockages of humanitarian aid in many areas that are desperately in need, while the peace process has become a distant reality.

In June 2020, the United Nations Human Rights Council adopted a resolution on human rights in Burma, which called for the country to grant ‘full and unhindered access’ to diplomats, independent observers and the media.<sup>110</sup> Burma rejected the draft resolution, which though unsurprising sets a worrying tone for the future of the country’s affairs.

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106. “EU states urge justice in Myanmar at UN Security Council,” 5 February 2020, Frontier Myanmar. <https://www.frontier-myanmar.net/en/eu-states-urge-justice-in-myanmar-at-un-security-council/>

107. “UN Security Council Fails to Agree on Statement Urging Myanmar to Follow ICJ Measures in Genocide Case,” 5 February 2020, The Irrawaddy. <https://www.irrawaddy.com/news/burma/un-security-council-fails-agree-statement-urging-myanmar-follow-icj-measures-genocide-case.html>

108. Ibid

109. “Statement by Members of the European Burma Network,” 18 March 2020, Burma Campaign UK <https://burmacampaign.org.uk/statement-by-members-of-the-european-burma-network/>

110. “UN adopts resolution on human rights in Myanmar,” 23 June 2020, UCA News <https://www.ucanews.com/news/un-adopts-resolution-on-human-rights-in-myanmar/88503>



# Case Studies

## Case 1: Villagers Forced to Porter for Burma Army Injured (TWO)

Villagers from Ngawsavit village, Kaung Kalaung tract, Namhsan township, in a Ta'ang (Palaung) self-administered zone were forced to guide the Burma Army, Light Infantry Division (LID) 88 and were injured by landmines on 24 January 2020. LID 88 demanded two villagers guide them to Ngawsavit village to see the chairman and secretary. However, the LID 88 didn't release them when they reached their destination.

On 25 January, when the troops arrived between Kyauk Lone Gyi and Sein Si village, there was a mine blast, and one villager was injured. One villager who went to help the victim said, *"They (LID 88) said they will bring two villagers as a guide for a short time, but they were forced to guide for two days and one night. The villagers can't see each other because they were divided by the soldiers. The villager who was guiding at the front was injured, but the one at the back was not harmed. We picked up the villager who was struck in Sein Si village."*

## Case 2: Civilians Traveling by Motorcycle Injured by Landmine (TWO)

Around 5:30 in the evening of 6 January 2020, Mai Aike Lu (32) and Mai Aike Hein (26) from Pan Lot village, Kwan Salan tract, Kyaukme township, Northern Shan state, were returning from Minengaw sub-township, when they stepped on landmine. They were injured and treated in hospitals in Lashio and Kyaukme through assistance by the humanitarian group, Omtamao.

Mai Aike Lu had serious injuries to his left thigh, waist and right elbow. Aike Hein was injured in both of his legs. The landmine exploded in an area where both the Burma Army and the TNLA are operating.

Mai Aike Lu said, *"after me and my friend bought a machine for our tea farm in Maingaw market, we were driving through Namtwe village on our motorcycle when we heard a blast. Along the road, we hugged each other, walked and*



*rested. Around 7:00 PM, medics from Ta'ang armed groups saw this, and brought us to Namtwe village so we could be treated."*

### **Case 3: Burma Army Soldiers Shoot and Torture Villagers (TSYU)**

Mai Aike Swe (27), son of U Aike N and Daw Aye Kyar from Lwel Sor village, Pan Thabay village tract, Mai Yaw, Lashio District, Northern Shan state was killed by gunshot near his farm on 24 April 2020.



Mai Aike Swe, a victim killed in Mai Yaw (TSYU)

Around 1 pm, fighting broke out for about half an hour between the Burma Army and the Myanmar National Democratic Alliance Army (MNSA) in Lwel Sor and Tin Cho village. The MNSA withdrew from Tin Cho village, but the Burma Army stayed there for three days, where Mai Kike Swe was found. The TNLA, SSPP (SSA), MNSAA, Burma Army and local militia operate in Mai Yaw area.

*One woman villager said, "after we finished lunch, we heard a gunshot. Mai Aike Swe ran to our farm and shouted at us to run. I couldn't follow him because I had to bring my two children. One child was tied to my back, and I pulled the other by the hand. The children and I were hidden in the bush. Mai Aike Swe ran to Tin Cho village. After the fighting stopped, I ran to Pan Kim*

*Awme village and I returned back to Lwel Ser village at night. The place where Mai Aike Swe died was where the Burma Army was. They killed him.”*

One elder villager shared a similar account. He said

*“Mai Aike Swe went to take care of his cattle. After lunch, when we heard the gunshot. He ran to Tin Cho village with one woman. He left his motorcycle on his farm. When the shooting stopped, he came back to bring his motorcycle, but he could not find one of the wheels. Two Burma Army soldiers were killed in the fighting so they took the wheel. Mai Aike Swe also was shot dead and buried his body near his farm. I don’t know which battalion shot and killed him, we don’t have evidence. After the fighting, the MNDAA went to withdraw to Tin Cho village, the place where Mai Aike Swe was killed and the Burma Army was there. We know he did not come back, but we did not dare to find him because the Burma Army was there. After three days, the Burma Army left and we found his body.”*

#### **Case 4: TNLA Soldier Kills Girlfriend in Dispute (TSYU)**

A primary school teacher from Hwe Khot school was shot and killed in her bed at home around 7PM on 24 January. The victim was 26 years old and named Lway Mya Mhwe Aung, whose parents are Tar Yai Kyain and Yar Aung Mi. She was found with two gunshots in her left cheek.

The victim and her boyfriend had a disagreement, where he ended up killing her when she tried to run away and hide in her room. The boyfriend also pointed his gun at her friends who ran away in fear. They both had a plan to get married, but when another man showed interest in her, there were problems. He wanted her to stay with him and get married, but he started to feel jealous.

After he killed her, he ran away on his motorcycle. Lway Mya Mhwe Aung had been a teacher in her village since 2014. Her boyfriend is a TNLA soldier. Later, the PSLF/ TNLA announced that they had arrested the perpetrator, Mai Phoe Sein (26). He confessed and surrendered himself to the PSLF/TNLA and was sentenced to 20-years in prison by the PSLF/TNLA Judiciary Department.

### **Case 5: Young Girl Injured by Shelling (CHRO)**

A shell exploded near the village in Ann township, Rakhine state and one girl were seriously injured and hospitalized in Ann. Ma Soe Soe Ye, 18 from Gite Chaung village, Kasukai village tract, Ann township was cooking for dinner around 5PM on 2 March 2020 when the shell exploded near her village and she was struck. She sustained injuries to her stomach and had to have an emergency operation.



Locals seek medical treatment at a hospital because of an artillery explosion (CHRO)

One villager said, *“we cannot say exactly what group did the shelling because the Burma Army was not around their village. However, we saw some Burma Army troops operating from Ann township and we heard lots of shooting.”*

### **Case 6: Seven Civilians Killed as the Burma Army Bombs Village in Paletwa Township (CHRO)**

On 7 April 2020, seven civilians from Hnan Chaung Village, Hna Ma Dar Village Tract, Paletwa township were killed when the Burma Army launched airstrikes targeting the village. Those killed include two children and a mother and infant. A further eight civilians were injured and eight houses were burned to the ground.

### **Case 7: Family Members Still Do Not Know Whereabouts of Son Arrested by the Burma Army (AASYC)**

Ko Zaw Min Htun (31) son of U Maung San Thein from Kyuak Sauk village, Yangbye township, Rakhine state, was arrested when traveling back from his hometown by Burma Army troops based in Sait Phu Taung around 5PM on 26 June 2020. His family members are worried because they have not received any information about his whereabouts. When he was arrested, the Burma Army asked his family to bring his identification card to Sait Phu Taung. Their family did so but they have not been allowed to meet him. His father, U Maung San Thein, then submitted a complaint letter to the Myanmar National Human Rights Commission (MNHRC). However, they have not responded.

### **Case 8: Civilian Tortured and Killed by the Burma Army (AASYC)**

U Than Shwe Maung (53), son of U Hla San Maung from Det Hpyu village, Kyauktaw township along with Daw Ma Chae, U Mae Tote Chae and U Than Htun Maung from Malar village were arrested 2PM on 22 March 2020 by the Burma Army. Around 11 am on 28 March, the body of U Than Maung Shwe and three others were brought to the police station by the Burma Army. There were scars from torture on U Than Shwe Maung's body, said his wife Daw MaThan Nu.



U Than Shwe Maung (53), the son of U Hla San Maung from Det Hpyu village, Kyauktaw township, Rakhine state, was detained by the Burma Army on 22 March 2020. He died on 28 March 2020 after succumbing to his wounds when he was brutally tortured in detainment (AASYC)

# Conclusion

The atrocities against civilians continue to take place with impunity and disregard for rule of law in Burma. Human rights defenders and civil society organizations have reaffirmed their calls to the government to do more to protect the thousands of innocent people stuck in the crossfire, where protection mechanisms are non-existent and yet so urgently needed. The lack of mine clearance operations has made way for more civilian casualties and injuries. Gender-based violence remains ongoing and underreported in conflict areas. Victims are often traumatized further into silence or bribes to the family and victim to keep them silent. Indiscriminate shooting and artillery firing have claimed the lives of thousands, and for those who manage to escape – they are left in limbo unsure of when it will be safe to return home. All the while their needs for basic shelter and food as stipulated by the Pinheiro Principles remain far from being met. Loved ones have been separated as a result of arbitrary arrest and unlawful detainment – many tortured and killed in custody, or not heard from again. Charges against civilians have been exaggerated and justified by outdated laws enforced by the Burma Army and its various security controls.

Military justice systems have failed to uphold rule of law as sham investigations take place under enquiry committees that so often work to maintain the status of the Burma Army, rather than justice for victims. Ongoing investigations are used to stall and prolong accountability. It is no surprise that civilians have been forced to question the systems that are supposed to protect them. Receiving any response from law enforcement is difficult, and the risk to report comes at a cost of their safety and well-being. Indeed, justice has not been served in the slightest.

Overall, ND-Burma member organizations have low confidence in the justice systems in Burma. High ranking officials are able to easily evade domestic accountability mechanisms and unfortunately victims rarely see justice served. Whereas calls for liability under international human rights law have been welcomed by civil society, the government has been reluctant to have outside involvement in their human rights record. Ultimately, the Burma Army has failed to take all possible precautions needed to protect the civilian population by neglecting to consider and uphold their safety in clashes. Principles of

international humanitarian law indicate that special protections must be granted to protected categories including civilians, to ensure there is no harm. However, despite ceasefire agreements and a dialogue of peace talks at the Union level, innocent people are being killed.

ND-Burma draws upon conclusions from this report and previous documentation which maintains that the rights abuses are rampant in the country, and now all the more life threatening as they take place against the backdrop of a global pandemic.





# Recommendations

## To the Burma Government

- Unfettered access must be granted to humanitarian groups, human rights organizations and the media to document human rights abuses and facilitate much needed, life-saving support and aid, especially amid the COVID-19 pandemic.
- Publicly recognize that mass human rights violations have been committed and provide victims with long-over and necessary reparations that they desire.
- Enact legislative reform to bring the legal system into line with international human rights obligations by cooperating with international rights bodies including the United Nations.
- Adopt much needed reforms to the Telecommunications Law which fails in its broad scope and language to protect rights defenders, civilians and journalists from criticizing the government or military operations.
- Immediately release all political prisoners, many of whom are in jail because of a crackdown on exercising freedom of speech and express. Section 19 of the Peaceful Assembly and Peaceful Procession Act must be repealed.
- An immediate end to the Internet blackout in Rakhine and Chin states to ensure the protection of all civilians and rightful access to information.
- Closely work to reestablish partnerships with civil society organizations working on the ground to carry out projects in line with the needs and wants of local people.

## To the Burma Army

- Adopt a military code of conduct in line with international human rights standards and prosecute soldiers found guilty of human rights violations in civilian courts.
- Decrease the number of troops from ethnic areas, so that civilian lives can be protected and inclusive political negotiations can begin towards a new federal constitution that can grant equality and justice for all ethnic people of Burma.
- Commit to an inclusive Nationwide Ceasefire Agreement, at least during the COVID-19 pandemic, to uphold a commitment to preserving the livelihoods of all civilians.
- An immediate end to the targeting of innocent civilians and human rights abuses including but not limited to torture, indiscriminate shelling and shooting, arbitrary arrest and detainment, land confiscation and sexual-gender based violence.
- Commit to de-mining initiatives in the country and immediately start removing landmines from civilian areas.
- Adhere to 'Right to Protect' norms and recommit to the process of national reconciliation and peace in an inclusive manner that brings all stakeholders together, including the equal representation of women, to discuss approaches to peace
- End conflict-driven development projects, which only seek to displace and disrupt the lives of civilians.
- To commit to upholding human rights in line with the Geneva Convention including refraining from violence to life, and a person and outrages upon dignity, in particular humiliating and degrading treatment.

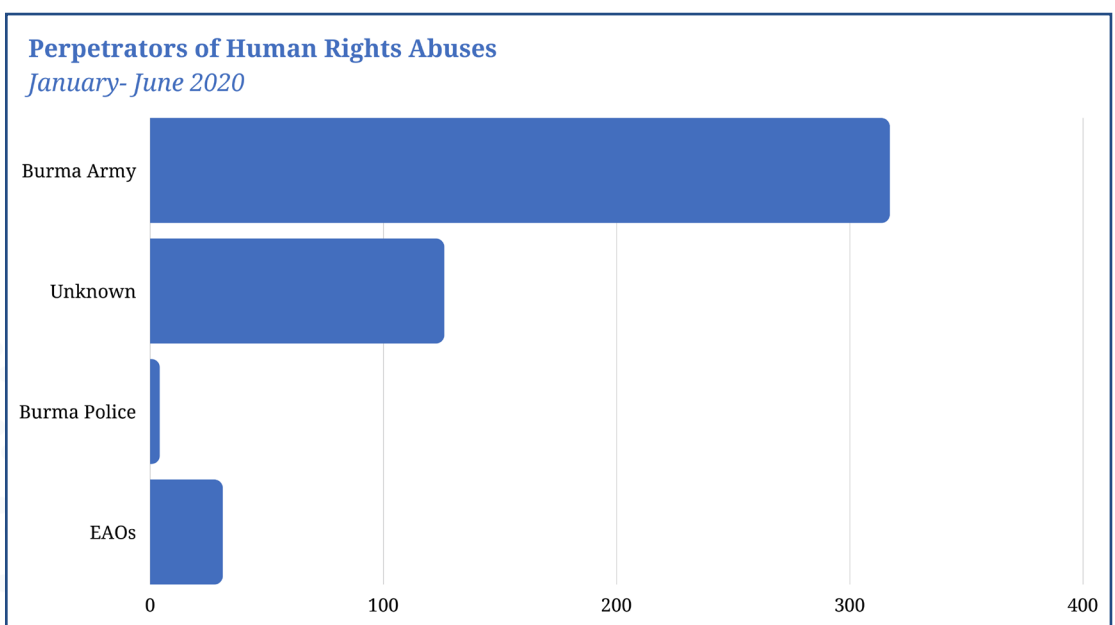
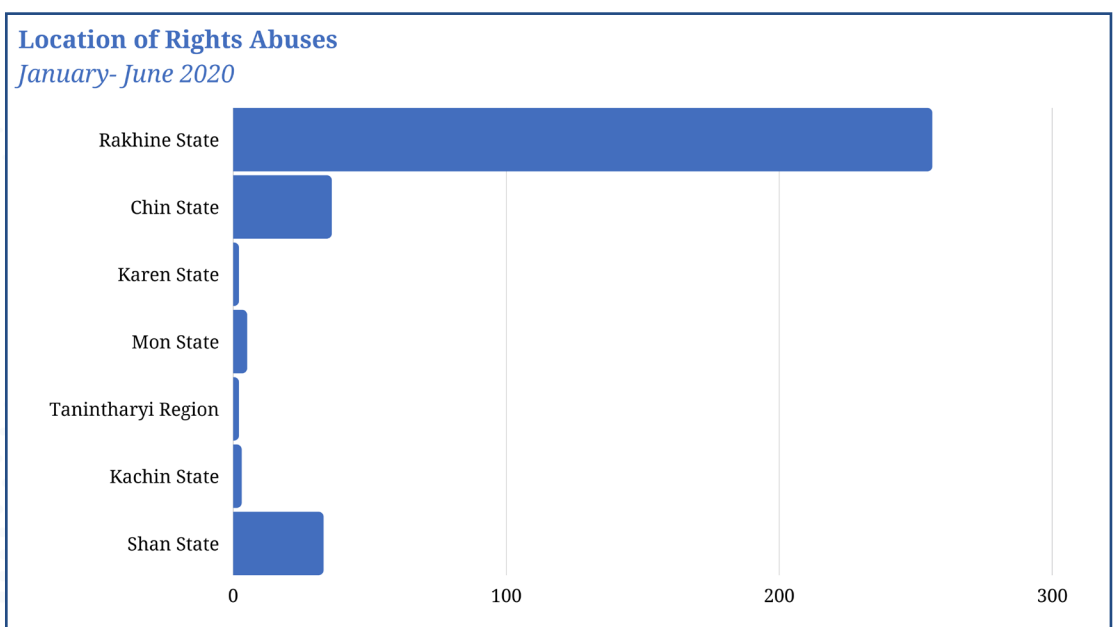
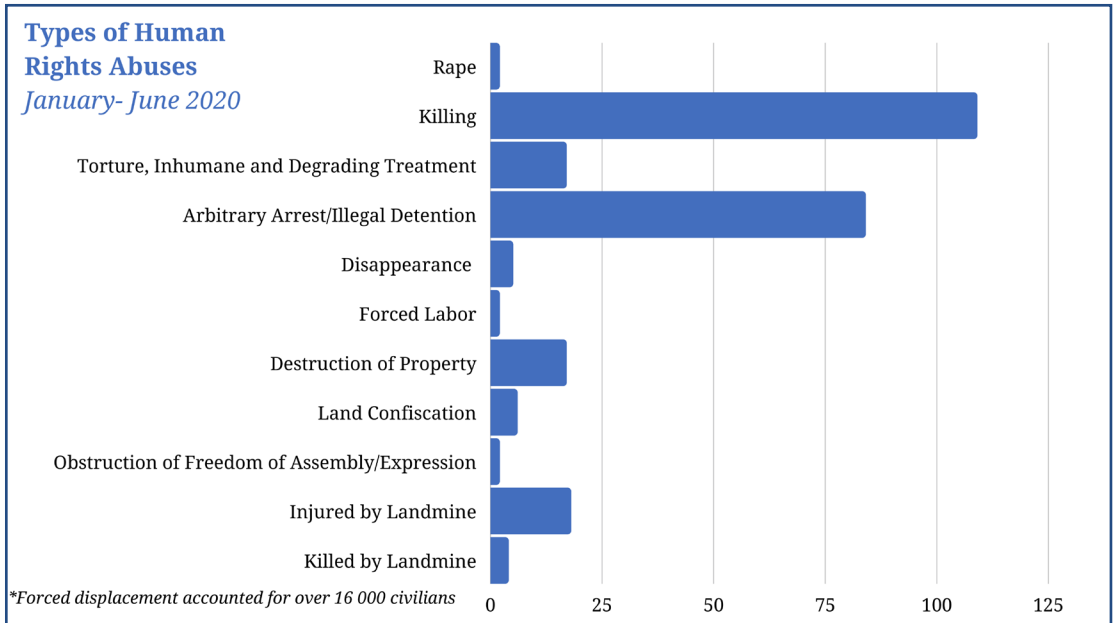


## To Ethnic Armed Organizations

- Uphold the rights of all civilians in controlled and shared controlled areas.
- Commit to the Deed of Commitment to ensure respect for humanitarian norms and to safeguard civilian protection.
- Hold all soldiers guilty of committing human rights abuses to be held accountable and charged, with the victim's course of preferred justice mechanism to be respected and honored.
- Commit to de-mining initiatives in the country and immediately start removing landmines from civilian areas.
- Allow human rights groups to freely and safely document rights abuses without persecution or reprisals.

## To the International Community

- Acknowledge that rule of law and democracy in Burma will not come until the military is placed under civilian control through constitutional changes and call on the government of Burma to establish effective judicial and non-judicial transitional justice mechanisms to investigate human rights abuses.
- More effective sanctions on the Burma Army leadership, soldiers and their families to limit and ultimately stop their business dealings abroad.
- Reinforce calls for humanitarian restrictions to be lifted so that aid can flow freely and safely to communities in need.
- Continue to lobby Burma to cooperate with UN bodies needed to ensure that perpetrators of human rights abuses are held accountable for their actions.





**Network for Human Rights Documentation-Burma**

**January to June 2020**

# **An Overview of the Human Rights Situation in Burma**