BURMA BULLETIN

A month-in-review of events in Burma

ALTERNATIVE ASEAN NETWORK ON BURMA
campaigns, advocacy & capacity-building for human rights & democracy

Issue 130 **October 2017**

- **OHCHR report confirms that the Tatmadaw committed well-organized, coordinated and systematic attacks against Rohingya.**
- **Medical staff corroborate evidence of widespread rape and sexual violence against Rohingya women and girls as young as 5.**
- **Rohingya villagers trapped in Arakan state told to accept national verification cards that deny their identity or "face actions".**
- **Over 603,000 Rohingya are estimated to have fled into Bangladesh as of 31 October. Bangladesh plans to build refugee camp for 800,000 people.**
- **President's Office spokesperson Zaw Htay says that Rohingya refugees "are plotting against the government by misleading [the international community] that there is a mass migration".**
- **Burma and Bangladesh reach agreement on Rohingya; Burma will take back refugees if they have evidence of previous residence in Burma.**
- **Returning Rohingya are unlikely to be able to reclaim their land, and may find their crops harvested and sold by the government.**
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- **Arakan activist Khaing Myo Htun jailed for reporting military abuses; 2 Kachin pastors convicted for documenting Tatmadaw bombing.**
- **Severe food shortages continue in IDP camps on Thai-Burmese border.**
- **National Parliament about to tackle Burma's first law on violence against women.**
- **China agrees to take a 70 percent stake in Kyaukphyu sea port project.**
- **SEZ investors respond to SR Yanghee Lee's criticisms: land acquisitions are responsibilities of the govt, not the investors.**

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UN: ATTACKS ON ROHINGYA "WELL-ORGANISED AND COORDINATED"

On 11 October, the United Nations Office of the High Commissioner for Human Rights (OHCHR) released a report of its rapid response mission to Cox's Bazar, Bangladesh. OHCHR deployed 3 staff to Bangladesh from 13 to 24 September to monitor the situation of the Rohingya refugees and uncover the truth about the events that occurred in northern Arakan/Rakhine State after the 25 August attacks [see *August* and *September Bulletin*].[1]

The OHCHR rapid response mission report confirmed that systematic human rights violations against the Rohingya were committed by Burmese security forces and Arakan Buddhist individuals in northern Arakan State: "[t]he manner in which the villages, home and property of the Rohingya across northern Rakhine State has been destroyed points to it being well-organised and coordinated, thereby challenging the assertion that it was merely collateral damage of the military security operations".[2]

The report highlighted, as specific human rights violations, the indiscriminate shooting at homes and individuals, as well as the burning to death of Rohingya victims including children and elderly people, in their homes. Evidence of rape and sexual violence was collected and corroborated by the medical staff treating Rohingya refugees in Cox's Bazar: "Girls as young as 5 to 7 years of age [were] raped, often in front of their relatives, and sometimes by three to five men taking turns, all dressed in army uniforms". Many women, even ones who were pregnant, were raped. One statement "referred to a woman whose stomach was slit open after she was raped. Witnesses stated that her "unborn baby" was killed by the alleged perpetrator with a knife and her nipples were cut off".[3]

Other independently collected accounts disclosed and confirmed the human rights violations committed by Burmese security forces**:**

4 Oct: The UN Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child (CRC) warned that the human rights violations committed by security forces against Rohingya women and children may amount to crimes against humanity.[4]

17 Oct: International aid organization CARE warned that close to 448,000 refugees in Bangladesh from Burma witnessed or experienced gender-based

KEY PATTERNS OF HUMAN RIGHTS VIOLATIONS

Forced displacement of Rohingya, and destruction of property, livelihoods and futures

- Witnesses and victims consistently reported that Burmese security forces surrounded or entered villages and fired indiscriminately at Rohingya residents, set houses on fire, and announced to other villages that the same would happen if they did not abandon their homes.
- In some cases, megaphones were used to announce "[y]ou do not belong here – go to Bangladesh. If you do not leave, we will torch your houses and kill you".
- In some cases, local authorities warned the Rohingya in advance that they would be attacked, indicating that the attacks were planned.
- Previous human rights violations, including discriminatory restrictions and arbitrary detentions, contributed to the forced displacement of Rohingya "through the establishment of a climate of intimidation and fear". Specific attacks targeted educated Rohingya, such as teachers, businessmen as well as religious and community leaders.
- Columns of smoke and burning villages were still visible weeks after 5 September, the official end of "clearance operations."

Extrajudicial and summary executions

Disappearances

Rape and sexual violence

Torture and physical assault

Attacks on places of worship and religious intolerance

[1] OHCHR (11 Oct 17) Mission report of OHCHR rapid response mission to Cox's Bazar, Bangladesh
[2] OHCHR (11 Oct 17) Mission report of OHCHR rapid response mission to Cox's Bazar, Bangladesh
[3] OHCHR (11 Oct 17) Mission report of OHCHR rapid response mission to Cox's Bazar, Bangladesh
[4] OHCHR (04 Oct 17) Myanmar Rohingya abuses may be crimes against humanity, UN rights experts warn

violence (GBV). The UN said that of those who experienced or witnessed GBV, 92% were women and 58% were under 18.[5]

17 Oct: Human Rights Watch (HRW) said that the latest satellite imagery [see *August* and *September Bulletin*] revealed the destruction of at least 288 villages in northern Arakan State. HRW found that the damage patterns were consistent with fire and the burning targeted Rohingya villages and buildings. HRW analysis showed that at least 66 villages were burned after 5 September, when security clearance operations supposedly ended [see *Reports* and *September Bulletin*]. [6]

18 Oct: Amnesty International (AI) released a report accusing Burmese security forces of committing crimes against humanity. The report read that evidence all points to the same conclusion: "hundreds of thousands of Rohingya women, men, and children have been the victims of a widespread and systematic attack, amounting to crimes against humanity" [see *Reports*].[7]

25 Oct: Médecins Sans Frontières (MSF) said that it treated dozens of Rohingya girls and children for sexual violence. About 50% of the patients were aged 18 or under, including children less than 10 years old.[8]

26 Oct: UN Special Rapporteur on the Situation of Human Rights in Myanmar Yanghee Lee warned that hate speech and incitement to violence against Rohingya has been "cultivated for decades" in the minds of Burmese people.[9]

27 Oct: The UN fact-finding mission appointed last March by the Human Rights Council to investigate human rights violations in Burma [see *March Bulletin*] concluded its first visit to Bangladesh. UN fact-finding mission chairperson Marzuki Darusman said they were "deeply disturbed" by refugee accounts of killings, torture, rape, arson and aerial attacks reportedly committed by Burmese security forces against the Rohingya minority. He confirmed that such accounts pointed "to a consistent, methodical pattern of actions resulting in gross human rights violations affecting hundreds of thousands of people." UN fact-finding mission member Radhika Coomaraswamy added that the accounts of sexual violence were "some of the most horrendous" she ever heard in her long experience in dealing with crisis situations. The UN fact finding mission interim report is due on March 2018 and the final report on September 2018.[10]

However, on 6 October, Burmese President's Office spokesperson Zaw Htay said that refugees "are plotting against the government by misleading [the international community] that there is a mass migration… It is not honest. [They] are fleeing even as we have told them that nobody would cause any harm to them, and [the government] would provide security and social assistance".[11]

603,000 refugees: deprivation, drownings

As of 31 October, over 603,000 Rohingya were estimated to have crossed into Bangladesh. Elhadj As Sy –the head of the International Federation of Red Cross and Red Crescent Societies (IFRC)– described the humanitarian crisis affecting Rohingya as unprecedented. He was shocked and saddened to see the state of the refugees arriving after days of walking to reach the border: "A state of deprivation. It's hunger, fear, exhaustion. I hesitate to put a word on it. A horrible state. You see almost the unbearable look of a total destitute person in need. It is almost unbearable".[12]

[5] Relief Web (17 October 2017) Bangladesh: At least 448,000 refugees from Myanmar witnessed or experienced gender-based violence, warns CARE
[6] HRW (17 Oct 17) Burma: New Satellite Images Confirm Mass Destruction
[7] Amensty International (18 Oct 17) Myanmar: "My world is finished". Rohingya targeted in crimes against humanity in Myanmar; The Guardian (18 Oct 17) Rohingya crisis: Amnesty accuses Myanmar of crimes against humanity
[8] The Guardian (25 Oct 17) Rohingya girls under 10 raped while fleeing Myanmar, charity says
[9] UN News Centre (26 Oct 17) Crisis in Rakhine 'decades in the making' and reaches beyond Myanmar's borders – UN rights expert
[10] OHCHR (27 Oct 17) Experts of the Independent International Fact Finding Mission on Myanmar conclude visit to Bangladesh
[11] The Irrawaddy (06 Oct 17) Mass Exodus of Muslims from Rakhine 'Not Honest': Govt Spokesperson
[12] The Guardian (26 Oct 17) World failing Myanmar's Rohingya Muslims, top Red Cross officials says

Rohingya refugees drowning as they fled violence in Arakan State continued to be a significant issue in October. In August and September, at least 123 people died in boat disasters along the Bangladeshi-Burmese coastline and the Naf River. Many more remain missing [see *August and September Bulletin*]. On 8 October, the refugee death toll rose further when a boat attempting to reach Bangladesh sank at the mouth of the Naf River with approximately 100 Rohingya on board. At least 12 people were reported dead, including 10 children.[13] On 31 October, at least 4 more bodies of Rohingya refugees were recovered from the sea as their overcrowded boat capsized in harsh weather conditions just off the coast of Bangladesh.[14]

Trapped in Arakan State

Rohingya still trapped amid violence in northern Arakan State reported that thousands of people were starving and in need of medical care [see *September Bulletin*]. Rohingya families in several villages reported food shortages and accused Burmese security forces and Buddhist mobs of intimidation, looting, and extortion.[15] The remaining Rohingya population also faced threats for refusing to accept National Verification Cards (NVCs) that would deny their right to self-identify as Rohingya. Some villagers said that they chose to flee to Bangladesh after being threatened "to accept cards or face actions". Shamsu Alam, a Rohingya refugee from Taung Bazar, Buthidaung Township, said that Burmese authorities threatened to kill them if they refused to accept the NVCs..[16]

On 27 October, the World Food Programme (WFP) said that Burmese authorities agreed to allow the UN to resume distribution of food in northern Arakan State.[17] Humanitarian access to northern Arakan State was officially suspended for 2 months, while deliveries of food in other regions were prevented or delayed by anti-Muslim interference [see *August* and *September Bulletin*]. The latest example of growing hostility occurred on 25 October, when Buddhist protesters blocked Relief International (RI) aid workers from visiting a camp for Muslim Internally Displaced Persons (IDPs) in Myebon Township, central Arakan State. Distribution of aid to Myebon's Muslim IDPs was also delayed by Buddhist inspections, and segregation was further enforced.[18]

Government takes new steps to face the crisis

On 2 October, the UN and the diplomatic community participated in a government-organized visit to northern Arakan State. They welcomed the initiative as a first step to strengthen cooperation [see *Reports*].[19]

On 12 October, the Tatmadaw's True News Information Team announced that another military investigation team was probing whether security forces followed their duties after 25 August. The previous military inquiry rejected all allegations of human rights violations in northern Arakan State saying that they were based on lies and invented statements [see *May Bulletin*].[20]

On 12 October, in an apparent response to heightened international pressure, State Counsellor Aung San Suu Kyi delivered a televised speech in Burmese to express the government's commitment to effective humanitarian assistance, repatriation, resettlement, and rehabilitation for those affected by the conflict. She prioritized "bringing development to the region and establishing durable peace" and said that negotiations were underway in Bangladesh concerning the repatriation of those who fled.[21]

[13] Al Jazeera (09 Oct 17) Dozen die, scores missing as Rohingya boat capsizes
[14] UNHCR (31 Oct 17) Four Rohingya refugees die as boat capsizes off Bangladesh
[15] Al Jazeera (06 Oct 17) Myanmar's Rohingya beg for help: 'People are starving'
[16] Dhaka Tribune (31 Oct 17) 'Take National Verification Card or leave Myanmar'
[17] Reuters (27 Oct 17) Myanmar gives green light to resume food aid to Rakhine, says U.N.
[18] Reuters (25 Oct 17) In Myanmar's Rakhine, aid workers blocked from entering Muslim camp amid tension
[19] ReliefWeb (02 Oct 17) Statement on the Diplomatic Trip to Northern Rakhine on 2 October 2017; UN (02 Oct 17) Statement following government-organized visit to northern Rakhine
[20] The Irrawaddy (13 Oct 17) Myanmar Army to Release Probe Into Alleged Atrocities in Rakhine
[21] Mizzima (12 Oct 17) Aung San Suu Kyi thanks people for their support, calls for refugee repatriation; Myanmar State Counsellor Office Facebook page (12 Oct 17) Report to the People By State Counsellor Daw Aung San Suu Kyi https://web.facebook.com/state.counsellor/posts/1133341753466706?_rdc=1&_rdr

Aung San Suu Kyi also announced the establishment of the high-level Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine (UEHRD) with the aim of allowing "the Union Government and all local and international organizations to work in all sectors and all strata of society". The body will be chaired by Aung San Suu Kyi and vice-chaired by Win Myat Aye, Union Minister for Social Welfare, Relief and Resettlement/chairperson of the Committee assigned to implement the recommendations of the Advisory Commission on Rakhine State [see *August Bulletin*].[22] On 30 October, UEHRD Chief Coordinator Aung Tun Thet said that UEHRD would start building infrastructure, including reception buildings, roads, and bridges, in Maungdaw and Buthidaung townships, in the first week of November.[23]

Yes to repatriation, no to return of land

Meanwhile, Burma and Bangladesh increased cooperation on security and law enforcement matters. On 2 October, the 2 countries said that a joint working group would be created to discuss the repatriation of refugees.[24] However, on 5 October, the Bangladeshi government announced its plan to build one of the world's biggest refugee camps to house more than 800,000 Rohingya refugees (to include those who previously fled) .[25] Robert Watkins, the UN resident coordinator in Dhaka, said that this was dangerous because overcrowding could heighten the risks of deadly diseases spreading quickly. He added that Bangladesh should instead look for new sites to build more camps.[26]

On 24 October, Burma and Bangladesh reached a 10-point agreement on Rohingya refugees at a meeting held in Naypyidaw. The agreement included the immediate cessation of refugee flow to Bangladesh, the restoration of normalcy in Arakan State, and the constitution of the joint working group by 30 November.[27] Bangladeshi Home Minister Asaduzzaman Khan said that the repatriation of the Rohingya would depend on the term of reference of the joint working group.[28] Tin Myint, permanent secretary of the Burmese Home Affairs Ministry, added that Burma sent a list of suspects who fled to Bangladesh and requested the authorities there to investigate and return them to Burma.[29]

On 30 October, the Burmese government announced it could take back about 300 refugees per day, if the returnees have evidence of their previous residence in Burma.[30]

However, returning Rohingya are unlikely to be able to reclaim their land, and may find their crops have been harvested and sold by the government. Arakan State Minister Kyaw Lwin confirmed the harvesting plans and said that there was a total of 45,000 acres of "ownerless Bengali land". When asked if returning refugees could reclaim land and crops, Kyaw Lwin said that "[i]t depends on them. There is no land ownership for those who don't have citizenship".[31]

International actions

12 Oct: The World Bank said that it was "deeply concerned by the violence, destruction and forced displacement of the Rohingya" and would withhold a USD$200 million loan to Burma until conditions improved. It stated that it would continue "high-impact projects that support education, health services, electricity, rural roads and inclusion of all ethnic groups and religions, particularly in Rakhine State".[32]

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[22] Mizzima (12 Oct 17) Aung San Suu Kyi thanks people for their support, calls for refugee repatriation; Myanmar State Counsellor Office facebook page (12 Oct 17) Report to the People By State Counsellor Daw Aung San Suu Kyi https://web.facebook.com/state.counsellor/posts/1133341753466706?_rdc=1&_rdr

[23] Mizzima (30 Oct 17) Implementation of infrastructure project in Rakhine to begin this week

[24] Amnesty International (04 Oct 17) Myanmar/Bangladesh: Rohingya refugees must not be forced home to abuse and discrimination

[25] The Guardian (06 Oct 17) Bangladesh to build one of the world's largest refugee camps for 800,000 Rohingya

[26] Mizzima (09 Oct 17) Bangladesh's mega refugee camp plan 'dangerous': UN official

[27] Mizzima (25 Oct 17) Myanmar and Bangladesh reach 10-point agreement on Rohingya; RFA (24 Oct 17) Myanmar Signs MOUs With Bangladesh to Deal With Rohingya Refugees

[28] The Daily Star (26 Oct 17) Rohingya repatriation depends on term of reference: Home minister

[29] Reuters (24 Oct 17) Myanmar, Bangladesh agree to cooperate on Rohingya refugee repatriation

[30] The Irrawaddy (30 Oct 17) Govt Suggests Possible Daily Repatriation of 300 Rohingya Refugees

[31] Reuters (22 Oct 17) Exclusive: Returning Rohingya may lose land, crops under Myanmar plans

[32] The Irrawaddy (16 Oct 17) World Bank Withholds $200 Million Myanmar Loan

16 Oct: The Council of the European Union declared it will suspend all invitations to senior Burmese military officials and review all practical defense cooperation with the country in response to the "disproportionate use of force" carried out by the country's security forces in Arakan State since 25 August. It added that additional measures may be imposed if the situation does not improve.[33]

19 Oct: Shareholder activists pressed US-based oil producer Chevron Corp to discuss a letter they sent to the company in August asking it to consider cutting ties with "governments complicit in genocide". Chevron does business in Burma through a subsidiary, Unocal Myanmar Offshore Co Ltd.[34] It was also reported that Australian offshore driller Woodside Petroleum senior officials would be traveling to Burma to assess the extent of the crisis. Woodside reportedly put on hold its drilling activities in several gas-rich wells off the coast of southern Arakan because of concerns on the projects' viability.[35]

23 Oct: US announced it will place sanctions on Tatmadaw officials in response to violence against the Rohingya minority. The State Department announced the suspension of Junta's Anti-Democratic Efforts (JADE) Act travel waivers, barring senior military officials from entering the US. It also withdrew invitations for Burmese security forces to attend US sponsored events, and prevented them from participating in US assistance programs. State Department spokesperson Heather Nauert said "We are exploring accountability mechanisms available under US law, including Global Magnitsky targeted sanctions".[36]

26 Oct: US Secretary of State Rex Tillerson telephoned Tatmadaw Commander-in-Chief Sr Gen Min Aung Hlaing and urged him to support the Burmese government in ending the violence and allowing the safe return of Rohingya who fled the area. He also urged the Tatmadaw to facilitate humanitarian aid for displaced people, allow media access, and cooperate with the UN fact-finding mission.[37]

HUMAN RIGHTS

Arakan activist sentenced for documenting military abuses; 2 Kachin pastors jailed for exposing military bombing of church

On 12 October, human rights activist Khaing Myo Htun was sentenced to 18 months in prison in Sittwe after being found guilty of sedition and incitement against the Tatmadaw. He was convicted for his role in an April 2016 report published by the Arakan Liberation Party that accused the Tatmadaw of forced labor and torture against civilians in Arakan/Rakhine State. The judge at the trial determined that Khaing Myo Htun failed to substantiate his claims despite 2 defense witnesses testifying that they were subjected to forced labor at the hands of the military. Due to the time he already spent in prison, he will remain in custody for another 3 months.[38]

On 27 October, 2 ethnic Kachin Baptist pastors were given prison terms for allegedly supporting rebels and defaming the military. The charges were made after they helped journalists cover the aftermath of a military airstrike on Mongko town, where a Catholic Church was bombed and destroyed in November 2016. Pastor Dumdaw Nawng Lat and Baptist youth leader Langjaw Gam Seng were originally reported missing in December after they were detained by the Tatmadaw in northern Shan State [see *December Bulletin*]. Following a 9-month trial, Nawng Lat was sentenced to 4 years and 3 months imprisonment, while Langjaw Gam Seng was handed 2 years and 3 months.[39]

[33] Council of the European Union (16 October 17) Myanmar/Burma: Council adopts conclusions
[34] Reuters (18 Oct 17) Activists set talks with Chevron on Myanmar rights concerns
[35] Myanmar Times (24 Oct 17) Private sector to help Rakhine as investor jitters rise
[36] US Department of State (23 Oct 17) Accountability for Human Rights Abuses in Rakhine State, Burma; Reuters (23 October 17) U.S. says it is considering sanctions over Myanmar's treatment of Rohingya; BBC (24 Oct 17) Myanmar Rohingya crisis: US withdraws military assistance
[37] U.S. Department of State (26 Oct 17) Secretary Tillerson's Call with Burma's Armed Forces Commander-in-Chief Senior General Min Aung Hlaing
[38] Coconuts Yangon (13 October 17) Rakhine human rights activist sentenced to 18 months for documenting military abuses
[39] The Washington Post (27 October 17) 2 Myanmar pastors sentenced to prison for supporting rebels

Update on the detention of journalists

17 Oct: The lawyer of 2 Burmese photojournalists detained in Bangladesh announced they were allowed to leave the country after being released on bail on 22 September. Bangladeshi authorities arrested award-winning photographer Minzayar Oo and his assistant, Hkun Lat on 7 September while covering the Rohingya refugee crisis for German magazine GEO for violating immigration rules by working as journalists while on tourist visas. Jyotirmoy Barua, the pair's lawyer, stated he was hopeful the charges would be dropped [see *September Bulletin*].[40]

27 Oct: A Mandalay Court rejected an appeal to revoke bail for Swe Win, the Editor of Myanmar Now. Swe Win was accused of violating Section 66(d) of the Telecommunications Law for allegedly insulting ultra nationalist monk Wirathu [see *July Bulletin*].[41]

28 Oct: A Singaporean and a Malaysian journalist were detained by Burma police after they flew a drone over a parliament building in Naypyidaw while on assignment for Turkish state broadcaster, Turkish Radio and Television Corporation (TRT). The pair, along with their local interpreter Aung Naing Soe and driver Hla Tin, were accused of breaching Section 8 of the Export and Import Law concerning banned and restricted goods, for bringing a drone into the country without prior approval. The 4 accused will face jail terms of up to 3 years if convicted.[42]

Kachin IDP land granted to government, KIA and BGF officials

On 3 October, the Irrawaddy reported that between 2013 and 2014, the Burma/Myanmar government issued ownership documents on 170,000 acres of land vacated by internally displaced persons (IDPs) due to conflict in Waingmaw Township, Kachin State. The classified documents received from Waingmaw Township's Department of Agricultural Land Management and Statistics showed that the land was granted to, among others, ex-government ministers and officials of the Kachin Independence Army (KIA) and Border Guard Force (BGF) under the Management of Vacant, Fallow, or Virgin Land Law of 2012, who then operated farms on it.[43]

ETHNIC AFFAIRS AND CONFLICT

Child killed as fighting continues in northern Shan State

An explosion killed an 8-year-old child and injured 3 people in Pang Ka Neing village, Namhkhan Township, northern Shan State, after heavy fighting erupted between Tatmadaw Div 88 and Ta'ang National Liberation Army (TNLA) BN 101 on 19 October. The clash also damaged several houses. Namhkhan Ta'ang Literature and Culture Organization chair Myint Kyaw urged the Tatmadaw and TNLA not to fight inside the villages and not to harm civilians anymore.[44]

Other clashes reported by the TNLA in northern Shan State since the beginning of the month included:

7 Oct: Fighting between Tatmadaw combined troops of LIB 301 and IB 10, under the command of Div 88, and TNLA BNS 112/876 near Has Lein and Khaing Aw villages, Manton Township.[45]

20 Oct: Fighting between the Tatmadaw and TNLA in 3 different areas of Kyaukme, Namtsan, and Kutkai townships:

- Tatmadaw Div 77 and TNLA BN 666 clashed near Kwinsalan village, Kyaukme Township.
- Tatmadaw Div 77 and TNLA BN 434 clashed near Aram village, Namhsan Township.
- Tatmadaw IB 66 and TNLA BN 818 clashed near Naung Lon village, Kutkai Township.[46]

[40] The New York Times (17 October 17) Arrested Myanmar Photographers Allowed to Leave Bangladesh
[41] The Irrawaddy (27 October 17) Appeal to Deny Myanmar Now Editor Bail Fails
[42] The Straits Times (28 October 17) Singapore journalist probed for breaching import law after using drone in Myanmar
[43] The Irrawaddy (3 October 2017) Ex-Ministers, Armed Groups Operate Farms in Kachin's Conflict Areas
[44] NMG (24 Oct 17) Child killed as Tatmadaw, TNLA clash in northern Shan State; PSLF/TNLA - News and Information Department (19 Oct 17) Battle recurred between TNLA and MT
[45] PSLF/TNLA - News and Information Department (07 Oct 17) Battle recurred between TNLA and MT

In a separate incident, on 25 October, 2 TNLA soldiers raped a school headmistress in Mankauk village, Kyaukme Township. TNLA spokesperson Brig Gen Tar Bong Kyaw confirmed the rape, saying that they arrested the 2 soldiers and instructed that a speedy trial be held to punish them.[47]

Peace process: Second anniversary of the NCA's signing

On 15 October, Burma commemorated the 2nd anniversary of the 'Nationwide' Ceasefire Agreement (NCA) signing ceremony.[48] The government, the Tatmadaw and the 8 NCA signatory ethnic armed groups (EAGs) met at the Myanmar International Convention Centre in Naypyidaw.[49] Four days prior to the event, the government accepted the request of the 8 NCA signatories to allow NCA non-signatories to attend. All refused, with the United Nationalities Federal Council (UNFC) citing lack of preparation time, while the Federal Political Negotiation and Consultative Committee (FPNCC) did not attend because the government invited only some of the group's members and not the entire bloc.[50]

At the ceremony, State Counsellor Aung San Suu Kyi reaffirmed her administration's commitment to the NCA and said that preparations were underway for the third 21st Century Panglong Conference to be held at the end of the year. Tatmadaw Commander-in-Chief Sr Gen Min Aung Hlaing urged the non-signatory EAGs to sign the NCA and said that those who did not were neglecting the interest of the people. Karen National Union (KNU) Gen Mutu Sae Poe delivered a speech on behalf of the NCA signatories and said that "[a]lthough the NCA lays a foundation for political dialogue to take place, we need to recognize that the peace process still faces challenges and weaknesses."[51]

Other NCA updates:

4 Oct: The KNU held a 4-day emergency meeting at Lay Wah Camp –the KNU's Hpa-an district headquarters, Karen State- to discuss the interim management of KNU-controlled areas and re-energize the current peace talks, which have stalled since the second 21st Century Panglong Conference [see *May Bulletin*].[52] On 9 October, KNU Secretary-General Saw Tadoh Moo said the areas had seen less conflict but faced administrative problems, and urged the government to address them per the NCA.[53]

16 Oct: The Peace Process Steering Team (PPST) –the negotiation team of the NCA signatory EAGs- had separate meetings with State Counsellor Aung San Suu Kyi and Tatmadaw Commander-in-Chief Sr Gen Min Aung Hlaing. In the meetings, the PPST asked for flexible approaches that will convince non-signatory EAGs to participate in the peace process, saying that both sides needed to compromise.[54]

24 Oct: The latest peace talks between the Peace Commission and UNFC –a bloc of NCA non-signatory EAGs– concluded with an agreement in principle of the UNFC's 9-point proposal to signing the NCA [see *August Bulletin*]. Only military-related affairs were left to be discussed. President's Office spokesperson Zaw Htay said that remaining discussions, to be continued on 8 November, will focus on troop deployment and demarcation of territory.[55]

25 Oct: The Tatmadaw and the 8 NCA signatories started their first joint review of the NCA implementation in a 3-day meeting in Rangoon/Yangon.[56] On 27 October, state-run newspaper Global

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[46] PSLF/TNLA - News and Information Department (20 Oct 17) Battles recurred at three places between Ta'ang National Liberation Army (TNLA) and Myanmar Tatmadaw (MT)
[47] The Irrawaddy (27 Oct 17) TNLA Members Rape School Headmistress in Shan State
[48] DVB (16 Oct 17) Govt, military and ethnic armed groups mark NCA's two-year anniversary
[49] Mizzima (16 Oct 17) Armed Ethnic Organisations mark 2nd anniversary of NCA signing; DVB (16 Oct 17) Govt, military and ethnic armed groups mark NCA's two-year anniversary
[50] The Irrawaddy (13 Oct 17) Non-Signatories Forgo Sending Delegation to NCA Anniversary
[51] Mizzima (16 Oct 17) Armed Ethnic Organisations mark 2nd anniversary of NCA signing; DVB (16 Oct 17) Govt, military and ethnic armed groups mark NCA's two-year anniversary
[52] Karen News (09 Oct 17) KNU Holds Emergency Meeting To Kick-start the Stalled Peace Process; The Irrawaddy (10 Oct 17) Central Govt Infringing Administration of KNU Regions, Say Leaders
[53] The Irrawaddy (10 Oct 17) Central Govt Infringing Administration of KNU Regions, Say Leaders
[54] Myanmar Times (19 Oct 17) Group asks Tatmadaw chief for flexibility in peace process
[55] The Irrawaddy (25 Oct 17) UNFC Edges Closer to Signing NCA, Military Issues Still Unresolved
[56] The Irrawaddy (25 Oct17) Govt, Ethnic Armed Organizations Review NCA Implementation

New Light of Myanmar reported that the government and ethnic groups agreed on half of the 21-point proposal by the NCA signatories.[57]

30-31 Oct: The 12th meeting of the Union Peace Dialogue Joint Committee (UPDJC) –aimed to discuss the upcoming third 21st Century Panglong Conference– was held at the National Reconciliation and Peace Centre (NRPC) in Naypyidaw. Aung San Suu Kyi said that the government always welcomed non-signatory EAGs to join the peace process at anytime.[58]

Other developments:

6 Oct: The Kachin Independence Army (KIA) reportedly abducted roughly 40 residents of Laisaw and Kaungkham villages, Waingmaw Township, Kachin State. San Aung of the Peace-talk Creation Group said they were abducted to be used as forced recruits for the KIA.[59]

6 Oct: At a meeting on Indian and Burmese Colonialism in Dimapur, India, Naga leader Rh Raising called for "an honorable solution with the government of Burma before it is too late".[60]

23 Oct: Tensions simmered after the Tatmadaw ordered the Shan State Progress Party/Shan State Army-North (SSPP/SSA-N) to withdraw their troops from positions along the Mong Hsu-Mong Nawng highway in order to proceed with a road construction project. Mong Hsu residents said that the Tatmadaw started "conducting tight security inspection at Nam Kat gate" and "digging new trenches in front of their base in Mong Hsu. Something significant happens whenever they do that".[61]

26 Oct: Speaking at an event commemorating the party's 29th anniversary, the Shan Nationalities League for Democracy (SNLD) accused the ruling National League for Democracy (NLD) of neglecting ethnic minority concerns and political representatives. SNLD chairperson Htun Oo said that the NLD had yet to meet with ethnic political parties in the post-election period.[62]

HUMANITARIAN

UN conference raises $360 million in support for Rohingya relief effort

On 23 October, a humanitarian conference in Geneva, Switzerland, raised US$360 million in pledges to support host communities and aid ongoing relief programs for Rohingya refugees in Bangladesh. The ministerial level conference was co-hosted by the European Union and the Government of Kuwait. It was co-organized by the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and United Nations Office for the Coordination or Humanitarian Affairs (OCHA). A total of 36 pledges were made, with the United Kingdom the single biggest donor with a pledge of US$63 million.[63]

Severe food shortages in IDP camps on Thai-Burmese border

11 Oct: The Mae Tao Clinic warned that ongoing funding shortages meant that significant cuts would likely need to be made to its medical, education and protection programs as it struggles to cover operational costs going into 2018. The Mae Tao clinic provides free services to over 250,000 displaced and vulnerable people from Thailand and Burma/Myanmar, working extensively with Internally Displaced Persons (IDPs) in camps along the Thai-Burmese border. Founder of Mae Tao Clinic, Dr. Cynthia Maung, warned that cuts to their services will leave thousands without access to affordable healthcare, placing thousands of lives at risk.[64]

[57] GNLM (27 Oct 17) Consensus reached on half of21 points proposed by signatories to NCA
[58] Mizzima (31 Oct 17) Non-signatory EAOs always welcome to join the peace process, Daw Suu says
[59] RFA (06 October 17) Ethnic Militia Abducts Villagers as Forced Recruits in Myanmar's Kachin State
[60] The Morung Express (09 Oct 17) Time of unity for all Nagas has come: Rh Raising
[61] S.H.A.N. (23 Oct 17) Military orders SSPP/SSA retreat from Shan State road
[62] DVB (27 Oct 17) Shan party says NLD is neglecting ethnic minority relations
[63] United Nations Office for the Coordination or Humanitarian Affairs (23 Oct 17) Rohingya Refugee Crisis: Pledging Conference
[64] Relief Web (11 October 2017) 250,000 People Along the Thailand-Burma/Myanmar Border at Risk of Losing Access to Essential Health Care and Education

23 Oct: Koung Jor, one of Shan State's 6 refugee camps on the Thailand-Burma border, ran out of food, with 5 more only having enough food to last until the end of October, according to camp organizers [see *September and August Bulletins*]. The shortages came as The Border Consortium (TBC), a coalition of INGOs from Europe and North America, announced in February that they would stop providing assistance to the camps at the end of October. Koung Jor camp organizer Lung Sai Lieng said food was last delivered in September, leaving them with "nothing this month".[65]

ECONOMY

China agrees to a 70 percent stake in Kyaukphyu

On 17 October, a senior government official said that China agreed to take a 70 percent stake in Kyaukphyu sea port in Arakan/Rakhine State. This figure is lower than the previously reported plan for China's CITIC consortium to take 85 percent, Myanmar Port Authority 5 percent, and Myanmar Kyaukphyu SEZ Holding Company (MKSHC consortium) to take 10 percent [see *August Bulletin*]. Oo Maung, vice chairman of a government-led committee overseeing the project, said that the proposal was already sent to the office of Burma's Vice-President Henry Van Thio for approval.

Oo Maung said that CITIC and the Burmese government are still in negotiations over financing the project. CITIC was asking the government to contribute 30 percent while Burma wanted to stick with the original plan for it to contribute only 15 percent of the funding.[66]

SEZ investors respond to Yanghee Lee's criticisms

On 17 October, investors and developers of special economic zones (SEZs) responded to criticisms from Special Rapporteur on the Situation of Human Rights in Myanmar Yanghee Lee.[67] In July, Yanghee Lee said that all SEZs in Burma negatively affected communities [see *July Bulletin*].

Yuan Shaobin –executive president of CITIC Myanmar, which leads the Kyaukphyu foreign consortium– said that land acquisition activities did not take place in Kyaukphyu. He added that it was the government's responsibility, not the investors', to solve issues relating to land acquisition, community consultation, and resettlement plans.[68] This is in contradiction of the United Nation Guiding Principles on Business and Human Rights, which provide for the companies' responsibility to respect human rights in business-related operations.

The management team of Myanmar-Japan Thilawa Development said that "Thilawa SEZ is being developed in strict accordance with Myanmar law…" and it was "contributing in improving local facilities as well as job opportunities in the township". While it recognized that building infrastructure and better facilities can cause short-term disruption to local residents, it highlighted its initiatives to facilitate communications with residents.[69]

DEMOCRACY AND GOVERNANCE

Report: Burma's judiciary unequipped to administer justice

On 2 October, London-based legal support group Justice Base reported how Burma/Myanmar's judiciary was "unequipped to administer justice impartially and effectively". Justice Base followed 155 cases and observed 1,158 court hearings in Rangoon/Yangon Region's township and district courts from 2013 to 2016.[70]

[65] The Irrawaddy (23 October 17) Food Running out for Displaced Shan
[66] Myanmar Times (16 Oct 17) Frustration mounts as Kyaukphyu port negotiations stall
[67] Myanmar Times (17 Oct17) SEZ impact on communities must be addressed: Yanghee Lee
[68] Myanmar Times (17 Oct17) SEZ impact on communities must be addressed: Yanghee Lee
[69] Myanmar Times (17 Oct17) SEZ impact on communities must be addressed: Yanghee Lee
[70] Justice Base (Oct 2017) Monitoring in Myanmar: An Analysis of Myanmar's Compliance with Fair Trial Rights

The report detailed incidents of judges sleeping through testimony and defendants being forced into pleading guilty. Justice Base noted that defendants did not have legal representation in bail hearings in nearly 90 percent of the cases surveyed. The accused went to trial even before legal counsel was organized in 67 out of 155 cases [see *Reports*].[71]

Other important developments:

1 Oct: The 88 Generation established a party organizing committee in Hinthada Township, Irrawaddy Division.[72]

25 Oct: Arakan National Party (ANP) leaders decided to dissolve the Sittwe executive committee citing "unsatisfactory performance, in terms of working for the national interest".[73]

PARLIAMENT WATCH

National Parliament to discuss 29 bills in current parliamentary session

On 17 October, the National Parliament reconvened. The Parliament's Joint Bill Committee said that the National Parliament will debate on 29 bills during the current session –including those relating to early child care and development, anti-hate speech, and intellectual property rights on trademark, copyright, patent and industrial design. The National Parliament will also discuss amendments to the 2012 Vacant, Fallow and Virgin lands Management Law, the 1993 Narcotic Drugs and Psychotropic Substances Law, and the 1993 Child Law.[74]

On 17 October, it was reported that Burma/Myanmar's first legislation tackling violence against women will be submitted to Parliament after 4 years of waiting. The bill will provide female victims of violence with more effective legal and healthcare support. It will also impose a life sentence for rape of girls under 18 and disabled women, while those guilty of marital rape will face 2 to 5 years in prison.[75]

Other developments:

25 Oct: The Lower House of Parliament passed a motion to discuss whether to monitor social media, particularly Facebook, and step up internet surveillance.[76]

INTERNATIONAL RELATIONS

Israel faces international backlash for weapons sales to Tatmadaw

On 23 October, Israeli newspaper Haaretz reported that the Israeli government sold high-tech weapons to the Burmese Government. Citing undercover sources in the Israeli defense industry, Haaretz claimed that government-owned aerospace and defense company, Israel Aerospace Industries, sold navy patrol boats to the Tatmadaw as part of a wider arms deal worth tens of millions of dollars. The report also stated that 2 more of the Super-Dvora MK III patrol boats are set to be delivered to Burma despite accusations of human rights violations leveled against the Tatmadaw in Arakan/Rakhine State, as well as a European Union and United States arms embargo on the country.[77]

In a separate report on October 23, Al Jazeera cited public records showing that Israel sold armed patrol boats, guns and surveillance equipment to the Tatmadaw, while also providing training to the country's special forces.[78]

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[71] Justice Base (Oct 2017) Monitoring in Myanmar: An Analysis of Myanmar's Compliance with Fair Trial Rights
[72] DVB (02 Oct 17) Politically aspirant 88 Generation makes moves in Irrawaddy Delta
[73] DVB (27 Oct 17) ANP disbands Sittwe executive committee, cites poor performance
[74] The Irrawaddy (25 Oct 17) What has Parliament Done so far?
[75] The Irrawaddy (17 October 17) New Law to Protect Women, Girls Against Violence
[76] The Irrawaddy (26 Oct 17) Lower House to Debate Social Media Surveillance
[77] Haaretz (23 October 17) Israel Sold Advanced Weapons to Myanmar During Its anti-Rohingya Ethnic Cleansing Campaign
[78] Al Jazeera (23 October 17) Israel maintains robust arms trade with rogue regimes

On 26 October, over 300 American Rabbis and cantors called on the Israeli government to halt its weapons sales to the government of Burma. Israel's Foreign Minister "vehemently denied" any involvement in violence in the country, but further reports from a government official indicated that it was "reassessing" weapons sales to Burma.[79]

REPORTS

"Bearing Witness to Crimes against Humanity The Forced Expulsion of the Rohingya from Myanmar" Refugees International https://goo.gl/7UbKfQ

"Mission report of OHCHR rapid response mission to Cox's Bazar, Bangladesh, 13-24 September 2017" UN Office of the High Commissioner for Human Rights https://goo.gl/4pZ72E

"Monitoring in Myanmar: An Analysis of Myanmar's Compliance with Fair Trial Rights" Justice Base https://goo.gl/Q4PkU9

"My world is finished". Rohingya targeted in crimes against humanity in Myanmar" Amnesty International https://goo.gl/5bJeQw

"Rohingya Crisis: GBV Policy and Advocacy Task Team Inter-agency Briefing Paper" DanChurchAid, UN Population Fund, International Center for Research on Women, International Organization for Migration, International Planned Parenthood Federation, Norwegian Church Aid, CARE, Christian Aid, Mercy Corps, UN Children's Fund, International Rescue Committee, WaterAid, Refugees International, Save the Children, Plan, UN High Commissioner for Refugees, Women's Refugee Commission https://goo.gl/A8x16a

"Statement following government-organized visit to northern Rakhine" UN Resident and Humanitarian Coordinator for Myanmar https://goo.gl/3txgue

"Statement on the Diplomatic Trip to Northern Rakhine on 2 October 2017" Government of Sweden, Government of Serbia, Government of Indonesia, Government of Denmark, Government of France, Government of the United Kingdom, Government of Italy, Government of New Zealand, Government of Switzerland, Government of the Czech Republic, Government of Canada, Government of Turkey, Government of Australia, Government of Germany, Government of Norway, Government of Finland, Government of the Netherlands, Government of Spain, US Department of State, European Union https://goo.gl/UH8ndJ

"The Contested Areas of Myanmar: Subnational Conflict, Aid, and Development" The Asia Foundation https://goo.gl/rx6ZRd

[79] Voice of America (26 October 17) US Rabbis Demand Israel Stop Selling Arms to Myanmar