

In early November 2014 President Obama visited Burma for the second time. His visit helped to focus attention on the fact that Burma's reform process has not only stalled, but in some areas gone into reverse.

Several human rights organisations published reports to coincide with his visit, and media published in-depth analysis. This briefing paper summarises the key findings of these recent reports on Burma.

U.S. Faces Rift With Democracy Icon Suu Kyi Over Myanmar Policies

Article in Wall Street Journal

- Suu Kyi made it clear she believes reforms have “stalled.” She urged world leaders gathering next week to “assess the situation hard-headedly” and “see [Myanmar] for what it really is.”
- Suu Kyi accused the U.S. of being “overly optimistic”.
- Suu Kyi said she would “challenge those who talk so much about the reform process” to show her what significant steps toward democratization have been taken over the past two years.
- She said U.S. President Barack Obama shouldn't bother coming in November if he wasn't going to take a hard line against the government, according to people present, and was aghast at any suggestion that Washington should find ways to work with Myanmar's powerful military.

Available at:

<http://online.wsj.com/articles/u-s-faces-rift-with-democracy-icon-suu-kyi-over-myanmar-policies-1415352543>

Myanmar: End Military Attacks On Kachin And Shan Civilians

By Fortify Rights

Key Findings:

- The Myanmar Army has targeted, attacked, and killed civilians with impunity in ongoing fighting in Kachin State and northern Shan State.
- Most of the attacks documented by Fortify Rights occurred in civilian-populated areas with no presence of KIA or other non-state armed groups.
- The Myanmar Army shelled and razed civilian homes, attacked makeshift camps of displaced persons, and entered villages while opening fire on civilians with small arms. In some cases, soldiers committed extrajudicial killings.

Available at:

<http://www.fortifyrights.org/publication-20141106.html>

Senior Myanmar Officials Implicated in War Crimes and Crimes Against Humanity

By Harvard Law School International Human Rights Clinic

In January 2011, the Harvard Law School International Human Rights Clinic began to investigate the actions of the Myanmar Army during a military offensive in eastern Myanmar that began in late 2005 and lasted approximately three years

In relation to three specific military commanders, the Clinic has collected evidence sufficient to satisfy the standard required for the issuance of an arrest warrant by the International Criminal Court as set forth in Article 58 of the Rome Statute. These three commanders are:

- Major General Ko Ko, the commander of Southern Command during the Offensive, and currently Myanmar's Home Affairs Minister;
- Brigadier General Khin Zaw Oo, the commander of LID 66 during the Offensive until May 2006, and currently commander of Myanmar Army Bureau of Special Operations ("BSO").
- Brigadier General Maung Maung Aye, the commander of LID 66 during the Offensive after May 2006, who was subsequently promoted to be the Naypyidaw Regional Commander. There are unconfirmed reports that he has since retired.

Available at:

<http://hrp.law.harvard.edu/wp-content/uploads/2014/11/2014.11.05-IHRC-Legal-Memorandum.pdf>

Burma: Religious Freedom and Related Human Rights Violations are Hindering Broader Reforms

Report by U.S. Commission on International Religious Freedom

Key Findings:

- Attacks against Muslims, particularly Rohingya Muslims, as well as against Christians, continue with impunity.
- Burma's government, both at the central and state levels, has been unable or unwilling to address these abuses.
- The political reform process in Burma is at great risk of deteriorating if religious freedom and the right to equal treatment under the law are not honoured and protected.
- Rather than reforming current laws, the government has facilitated the development of legislation that would further impinge on religious freedoms.
- Reports of human rights abuses against the Rohingya Muslim community...include systematic, large scale and egregious abuses of human rights involving acts and omissions resulting in deaths, injuries, displacement, denial of basic health and other services, denial of freedom of movement, and denial of the right to a nationality, among other violations.

Available at:

<http://www.uscifr.gov/sites/default/files/BurmaReport.ReligiousFreedomAndHumanRightsViolations.pdf>

Burma must improve its media environment

By Committee To Protect Journalists

Key Points:

- Press conditions in Burma have deteriorated rapidly in recent months.
- Burma's courts have handed down prison sentences to 10 journalists this year, nine of whom are now languishing behind bars.
- Deeply troubled by the army's killing of Burmese freelance journalist Kyaw Aung Naing while he was in military custody - the first death of a journalist in Burma in seven years.
- Concerned by the fast rising number of journalists being imprisoned on anti-state charges for their news reporting.
- Rather than reforming draconian and outdated security laws that curb press freedom, Thein Sein's government is increasingly using the laws to threaten and suppress journalists.

Available at:

<https://cpj.org/2014/11/us-should-call-on-burma-to-renew-commitment-to-pre.php>

Afraid To Go Home

By Karen Rivers Watch

- The Burmese Army has broken the ceasefire in parts of Karen State.
- Evidence suggests a coordinated Burmese military campaign to extend control along the Salween River, likely motivated by plans to start construction on the controversial Hatgyi Dam.
- The Burmese Army has committed human rights violations against civilian villagers, including looting homes, confiscating property, and taking at least 100 people for forced labour.
- Civilian villages were hit with mortar fire, forcing over 2,000 people to flee their homes.
- Those who fled are in need of humanitarian assistance, but Burmese military restrictions on access to the area have hampered delivery of aid.

Available at:

<http://burmacampaign.org.uk/reports/afraid-to-go-home-recent-violent-conflict-in-karen-state/>

Myanmar: Authorities Complicit in Rohingya Trafficking, Smuggling

By Fortify Rights

- Myanmar state security forces are complicit in and profiting from the increasingly lucrative maritime human trafficking and smuggling of Rohingya Muslims from Myanmar's Rakhine State.
- Myanmar state security forces in Rakhine State have collected payments from Rohingya asylum seekers fleeing Myanmar by ships operated by transnational criminal syndicates.
- Inadequate food, health care, and livelihood opportunities in the IDP camps as well as restrictions on movement and fear of future persecution contributed to their decision to flee Myanmar.
- Many are sold multiple times and for a myriad of reasons, including for labour and sexual exploitation. Nearly all endure or witness torture, deprivation of food and water, confinement in extremely close quarters, and other abuses throughout their journey.

Available at:

<http://www.fortifyrights.org/publication-20141107.html>

Obama's Second Burma Visit Falls Flat

By Kyaw Zwa Moe – The Irrawaddy

- The majority of pro-democracy groups and parliamentarians, including prominent opposition leader Aung San Suu Kyi, who held discussions with Obama for an hour on Friday, didn't expect to hear such a rosy view. Many of them found it disappointing.
- We Burmese don't expect miracles from the reform process that started in 2011. We just want to see gradual progress towards a democratic and prosperous nation. But the Burmese people haven't seen any genuine progress toward this end in recent years.
- When the US president met a group of young Burmese at Rangoon University's Diamond Jubilee Hall, some stood holding posters at the back of the room that read "Reform is fake," "Illusion!" and "Change?".
- Bo Kyi, secretary of the Assistance Association for Political Prisoners (Burma), said Obama's endorsement of the reform process was out of touch with reality. "What Obama said is wrong. Burma today is not even in transition yet. It was a totalitarian state. Today, it is a constitutional totalitarian state."

Available at:

<http://www.irrawaddy.org/commentary/obamas-second-burma-visit-falls-flat.html>

Five Places Obama Should Visit in Burma

By Physicians for Human Rights

- Kachin State: Tens of thousands of people remain displaced from the conflict, and military officials responsible for crimes against civilians have not been held accountable. These, and many other incidents in Kachin State, amount to war crimes.
- Coxes Bazaar, Bangladesh Burma border: The government of Bangladesh recently threatened to send nearly 2,500 Rohingyas to Burma, where they would face additional oppression and violence.
- Sittwe: Displaced Rohingyas live in squalid camps in Sittwe, with little medical care, education, or other basic essential services. The camps are effectively shut off from most international aid organizations, human rights researchers, and journalists. Approximately 140,000 Rohingya live in camps today.
- Thiliwa Special Economic Zone: The project is expected to displace nearly 1000 households. PHR found that those displaced left their homes because of government threats, could not earn a living once removed from their land, and faced serious health problems with little access to necessary medical care.
- Meiktila: In March 2013, a violent mob killed dozens of Muslim schoolchildren and adults in Meiktila. PHR's investigation into the massacre found that police were present but refused to help victims. To date, those responsible for organizing the coordinated attacks are enjoying full impunity.

Available at:

https://s3.amazonaws.com/PHR_other/Burma-Obama-Visit-Map-Nov-2014.pdf

Situation of human rights in Myanmar: Report of the UN Special Rapporteur on the situation of human rights in Myanmar

By Yanghee Lee

- Possible signs of backtracking should be addressed so as not to undermine the progress achieved.
- Disturbing reports of deaths in (Rohingya IDP) camps owing to the lack of access to emergency medical assistance and owing to preventable, chronic or pregnancy-related conditions.
- Concerned at reports of the continued application of outdated legislation...to criminalize and impede the activities of civil society and the media.
- Allegations were also received regarding violations committed by security forces, including the use of torture during interrogation, the sexual abuse and torture of prisoners, the forced labour and torture of civilians perceived to be sympathetic to KIA, and the rape of women and sexual violence in conflict.
- ...attacks against civilians by the military, extrajudicial killings, arbitrary arrest and detention, and ill-treatment and torture of civilians suspected of being associated with an ethnic armed group. Allegations of sexual violence, forced recruitment by the military and restrictions on freedom of movement and trade were also present in some Kayin (Karen) districts. The number of army facilities has also reportedly increased. Furthermore, cases related to forced labour, land-grabbing, environmental destruction and extortion have been reported in Kayin and Mon States.
- The Rohingya community continues to face systematic discrimination, which includes restrictions on the freedom of movement, on access to land, food, water, education and health care, and on marriages and birth registration. The human rights violations faced by the Rohingya community have been regularly documented by successive Special Rapporteurs on the situation of human rights in Myanmar. These include summary executions, enforced disappearances, torture, forced labour and forced displacements, as well as rape and other forms of sexual violence.
- Cases of land-grabbing, environmental destruction and extortion have been reported throughout the country.
- Concerned at persistent reports of torture during interrogation.

Available at:

<http://burmacampaign.org.uk/media/A-69-398-SR-Myanmar-Report-to-the-GA-69th-Session-2014.pdf>

Tension, Discord and Insecurity: The State of Burma/Myanmar's Peace Process

By Burma Partnership

- While the peace process appears stuck, this has not stopped other actors advancing their own agendas. Investment in fragile areas by private actors is serving to exacerbate the situation, particularly with land grabs.
- For the 120,000 refugees living in camps on the Thailand-Burma border, recent developments based on false presumptions of a successful peace process are causing widespread anxiety concerning possible forced return by the Thai government.
- Much effort has been put into the creation of the yet unfinished and unsigned National Ceasefire Agreement but most of the ethnic armed groups already have a ceasefire agreement with the Burma Government individually, which have not been implemented. Instead, the Burma Army continues to attack these groups.

Available at:

<http://www.burmapartnership.org/wp-content/uploads/2014/10/Tension-Anxiety-and-Insecurity-the-State-of-Burmas-Peace-Process-FINAL.pdf>

Statement: Civil Societies' Review on Myanmar's Transition Process: Prospects for 2015 and Beyond

By 650 representatives from 257 civil society organisations and networks in Burma

Key findings:

- The current transition process has little transparency and is controlled by the government without democratic and meaningful inclusion of democratic opposition forces, ethnic forces, civil society and the people.
- Little has been done to realize a truly democratic system in the country, yet oppressive activities over civil societies have increased.
- Furthermore, the prioritization of individual agendas over local processes by the INGOs without enough consultation has undermined the role and capacity of local organizations. INGOs' support to local CSOs have been ineffective and there have been cases where double standards are applied.
- Parliament is no more than window-dressing without the ability to address the major challenges facing judicial reform and rule of law and has a long way to go in terms of reaching full democratic debate on key issues.

Available at:

<http://www.burmapartnership.org/2014/10/civil-societies-review-on-myanmars-transition-process-prospects-for-2015-and-beyond/>

Shrinking Space for Civil Society in Burma

By Burma Partnership and Assistance Association for Political Prisoners – Burma

Key findings:

- The Burmese government should immediately cease the stifling of civil society space and the silencing of political activists and peaceful protestors, achieved by the criminalization of their legitimate human rights activities under repressive legislation and trumped-up criminal charges, as well as other forms of threats, harassment and intimidation, and ensure that all Burma people's fundamental rights to assembly, association and expression are respected and protected at all times.
- The Burmese government should release all political prisoners unconditionally, including those detained since the start of 2014, and resolve any discrepancies regarding the number detained by ensuring a thorough investigation by an independent review panel composed of competent domestic and international experts, including UN representatives.
- Review, amend or repeal repressive legislation, and ensure that any legislation enacted in future is in line with international human rights law and norms.

Available at:

<http://www.burmapartnership.org/wp-content/uploads/2014/10/BP-AAPP-UNGA-A-Briefing-Paper-on-the-Shrinking-Space-for-Civil-Society-in-Burma-Myanmar.pdf>

Voices from the Ground: Concerns over the Dawei Special Economic Zone and Related Projects

By Dawei Development Association

- This report examines the Dawei Special Economic Zone (DSEZ) project in Southern Myanmar, which, if realized, would be one of the largest petrochemical industrial estates in South East Asia.
- Two thirds (66 percent) of households surveyed did not receive any information from the government or company at all. Of those that received information from the government or company, the majority, around three fifths, said that the information revealed only positive impacts and benefits of the project. Only six percent of households surveyed knew of the oil, gas and petrochemical industrial complexes to be built in their neighbourhood, despite the fact that these are central components of the SEZ development plan.
- Overall, only around 15 percent of all households surveyed reported having received compensation payments. Where compensation has been provided, there have been significant delays. Four fifths of those compensated are still waiting for completion of payment. Only 9 percent of those receiving compensation were given official documentation, indicating the high possibility of corruption.
- Local people have expressed that they are not against development, but want development that is not harmful to people or the environment.

Available at:

<http://www.burmapartnership.org/2014/10/voices-from-the-ground-concerns-over-the-dawei-special-economic-zone-and-related-projects/>

If they had hope, they would speak: The ongoing use of state-sponsored sexual violence in Burma's ethnic communities

By Women's League of Burma

Key findings of the report include:

- Justice remains almost non-existent for survivors of the 118 rape and other sexual violence cases we have documented since 2010, which we believe to be a fraction of the total abuses taking place.
- In many areas, ceasefire agreements are not bringing peace, but increased poverty, increased military presence and increased human rights abuses.
- Rape and sexual violence by the Burma Army is closely linked with control over natural resources. Foreign-funded development projects in resource-rich ethnic communities are linked to increased militarisation, which in turn is linked to increased sexual violence.
- No action has been taken to implement the UK government-led Declaration of Commitment to End Sexual Violence in Conflict, which the Burma government signed in June 2014. Patterns of injustice and under-representation of women remain unchanged.
- At a time when the focus of the international community remains firmly set on human development through investment and agreeing a nationwide ceasefire agreement at any cost, it is vital that the human rights of women are not forgotten, and that the voices of the most marginalised women in Burma are heard.

Available at:

<http://womenofburma.org/if-they-had-hope-they-would-speak/>

Protection and Security Concerns in South East Burma/Myanmar

By The Border Consortium

Key Findings:

- Efforts to prepare for the return and resettlement of displaced persons have been thwarted by ongoing militarisation and insecurity.
- While there has been a reduction in fighting, there has been no respite from militarisation which is increasingly related to resource extraction and commercial development.
- The overall number of internally displaced persons in South East Myanmar has not reduced significantly.

The report is available here:

<http://www.theborderconsortium.org/media/54376/report-2014-idp-en.pdf>

More briefings are available here:
www.burmacampaign.org.uk/burma-briefing

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