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

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REFORMS IN BURMA: ON THE DOWNWARD SLOPE

- Almost two years since sectarian violence broke out in Arakan State, Muslim Rohingya continue to face persecution, discrimination, and violence as a result of the regime's policies and attacks instigated by anti-Muslim hate speech.
- The regime encourages the adoption of discriminatory legislation and fails to take action against demonstrations that incite anti-Muslim and anti-Rohingya hatred and hate speech.
- The regime reneges on its promise to allow Rohingya to self-identify; police, Tatmadaw soldiers, and immigration officials intimidate Rohingya during in nationwide census.
- Following a new surge of anti-Rohingya violence which swept through Arakan State in January 2014, the regime stokes tensions between Buddhist Rakhine and Muslim Rohingya by supporting the idea that aid workers were giving preferential medical treatment to Rohingya.
- Rising tension towards Rohingya in Arakan State leads to attacks against international aid workers for their alleged pro-Rohingya stance.
- Despite the obvious demand for aid in Arakan State following the regime's expulsion of MSF, the humanitarian aid situation further deteriorates after anti-Rohingya mob attacks force aid agencies to leave.
- Despite ongoing talks between the regime and ethnic armed groups to reach a nationwide ceasefire, the Tatmadaw intensifies its military offensives against the KIA, the SSA-N, the SSA-S, and the TNLA in Kachin and Northern Shan States.
- Tatmadaw troops continue to directly target civilians, including women and children, as part of their military operations in Kachin and Northern Shan States. Civilians are killed during artillery attacks on their villages, while others are captured and tortured.
- From January to March 2014, regime authorities charged or arrested a total of 95 activists, journalists, and human rights defenders. According to Assistance Association for Political Prisoners (AAPP), there are still at least 40 political prisoners behind bars.
- More than 12 months since the National Parliament approved a proposal to set up a commission to review the 2008 military-drafted constitution, the regime, the Union Solidarity and Development Party (USDP), and military-dominated Parliament have done little to amend its problematic clauses.

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Initial optimism over Burma's reforms is now turning to alarm with the ongoing violent persecution of Rohingya and Muslim minorities, the drafting of anti-Muslim laws, a stalled peace process and no moves forward on constitutional reform.

REGIME PUSHES FORWARD WITH ANTI-MUSLIM, ANTI-ROHINGYA AGENDA

Almost two years since sectarian violence broke out in Arakan State, Muslim Rohingya continue to face persecution, discrimination, and violence as a result of the regime's policies and attacks instigated by unchecked anti-Muslim hate speech.

Rakhine Buddhist mobs and security forces attack Rohingya in Arakan State

In January, a new wave of anti-Muslim violence erupted in Du Chee Yar Tan Village, Maungdaw Township, Arakan State, following a clash between police officers and local Rohingya villagers. According to the UN, police and local Rakhine killed at least 40 Muslim Rohingya men, women, and children after claims that Rohingya villagers had killed a police officer during a clash on 13-14 January.¹

The regime continually denied reports of the violence, saying that the UN's "accusations [were] unacceptable."² In January and February, the regime appointed a number of bogus commissions tasked with investigating the killing of the police officer and a fire that broke out in Du Chee Yar Tan Village on 28 January.³ However, the commissions found no evidence to confirm the reported deaths of the 40 Muslim Rohingya.⁴ One commission said that the reports of Rohingya deaths were false allegations to destabilize Burma's reform process, and suggested that Arakan State police and security forces needed to be supplied with better weapons.⁵

UN Special Rapporteur on human rights in Burma Tomás Ojea Quintana said the regime's investigations had "failed to satisfactorily address" the allegations of violence in Du Chee Yar Tan Village.⁶ He warned that if the regime failed to carry out a credible investigation, he would urge the involvement of the UN Human Rights Council to "uncover the truth of what happened" and hold human rights violators accountable.⁷

Regime expedites anti-Muslim, anti-Rohingya law

The regime encouraged the adoption of discriminatory legislation and failed to take action against demonstrations that incited anti-Muslim and anti-Rohingya hatred and hate speech. On 25 February, in an attempt to expedite the enactment of a discriminatory proposal aimed at restricting the rights of Rohingya and Muslims, President Thein Sein sent a letter to National Parliament Speaker Shwe Mann urging National Parliament MPs to discuss a draft proposal to restrict interfaith marriage between Buddhist women and Muslim men.⁸ The proposal was promoted by the newly-formed extremist Buddhist Organization for the Protection of National Race and Religion (OPNRR), headed by monk U Tilawaka Biwuntha, a supporter of extremist Buddhist monk U Wirathu's '969' movement.⁹

On 7 March, President Thein Sein told Parliament that the proposal restricting interfaith marriage, first proposed by U Wirathu in June 2013,¹⁰ would be drafted by the Supreme Court.¹¹ In January, a group of monks who attended a conference in Mandalay to discuss the proposal said they had submitted approximately three million signatures to National Democratic Force (NDF) MPs in support of the proposed interfaith marriage law.¹²

In addition, on 20 March, the National Assembly approved a bill amending the Political Parties Registration Law, removing the right of temporary ID holders, held by many Rohingya, to form political parties.¹³

Anti-Muslim hate speech results in Rohingya being denied right to self-identify, harassed in nationwide census

The extremist '969' movement, lead by Buddhist monk U Wirathu continued to propagate anti-Muslim hate speech in Arakan State. In December, prior to the Du Chee Yar Tan violence, monks from the '969' movement toured Arakan State and gave sermons by loudspeaker advocating the expulsion of all Rohingya.¹⁴ In March, U Wirathu supported protestors at a rally in Myebon Township, Arakan State, which was calling for support of the 1982 Citizenship Law, and held sermons for Buddhist Rakhine on safeguarding Buddhism and national identity in Akyab [Sittwe], Kyauktaw, Pauktaw, and Ponnagyun Townships, Arakan State, and denied the existence of Rohingya in the country.¹⁵

Following pressure from the Rakhine nationalist group All Rakhine Committee for the Census (ARCC) which had threatened a boycott of the census because respondents were allowed to identify themselves as Rohingya,¹⁶ the regime reneged on its promise to allow Rohingya to self-identify in the national census.¹⁷ On 29 March, a day ahead of the commencement of the census collection process, President Thein Sein's spokesman Ye Htut said "If a household wants to identify themselves as 'Rohingya,' we will not register it."¹⁸ On 1 April, the UNFPA said the regime had broken its agreement with the UN to "conduct the exercise in accordance with international census standards and human rights principles" and that it was "deeply concerned" that the departure from international standards could result in increased tensions in Arakan State and "undermine credibility of the census data."¹⁹

In early April, the regime continued to intimidate Rohingya during data collection in Arakan State. Police, Tatmadaw soldiers, and immigration officials accompanied census enumerators to Rohingya villages where they took photographs of respondents who said they were Rohingya, verbally abused residents, kicked in doors, and ripped down signs on houses identifying residents.²⁰ Some census enumerators refused to record 'Rohingya' as an ethnicity or to continue asking questions if a person said their race was 'Rohingya'.²¹

AID GROUPS RESTRICTIONS LEAVES ROHINGYA WITHOUT ACCESS TO AID

Following a new surge of anti-Rohingya violence which swept through Arakan State in January 2014, the regime stoked tensions between Buddhist Rakhine and Muslim Rohingya by supporting the idea that aid workers were giving preferential medical treatment to Rohingya.

Regime suspends aid groups' activities

In late February, the regime took punitive action against aid group Médecins Sans Frontières (MSF) by suspending their activities in Burma, in apparent retaliation for an MSF report which stated that MSF had treated 22 injured people in the days following the reported killing of at least 40 Rohingya in Du Chee Yar Tan Village in Maungdaw Township, Arakan State.²²

On 28 February, MSF closed all its HIV/AIDS clinics in Rangoon Division and Arakan, Shan, and Kachin States for the first time in MSF's history in Burma.²³ President Thein Sein's spokesman Ye Htut said MSF was being suspended because it had broken its agreement with the regime by employing more foreign staff than was allowed, and because it was giving Rohingya "preferential treatment".²⁴ He also accused MSF of "fueling tensions" and being detrimental to the "rule of law" and "regional stability".²⁵

On 1 March, the regime allowed MSF to resume “part of its activities,” in Rangoon Division, Shan, and Kachin States.²⁶ However, the regime did not allow MSF to resume its aid programs in Arakan State.²⁷

In a further attempt to expel aid groups from the area, on 13 March, the Arakan State Parliament, dominated by ethnic Rakhine parties that have fueled discrimination against Rohingya, unanimously approved a proposal to ban all “unregistered” NGOs and INGOs in Arakan State, claiming they were instigating unrest.²⁸

Anti-Rohingya mobs attack foreign aid workers

Rising tension towards Rohingya in Arakan State led to attacks against international aid workers for their alleged pro-Rohingya stance. On 26 and 27 March, extremist Buddhist Rakhine mobs, numbering more than 1,000 people, attacked the offices and homes of international aid workers in Akyab [Sittwe], Arakan State.²⁹ The attacks occurred after staff of the Germany-based aid agency Malteser International removed a Buddhist flag from the Malteser International organization’s office building in an attempt to show the organization’s neutrality.³⁰

The violence led to the evacuation of foreign aid workers from Arakan State, and resulted in 430 million kyat (US\$445,136) worth of damage to the offices, houses, storage facilities, and office equipment of 18 organizations,³¹ the death of an 11-year old girl, and the imposition of a dusk-to-dawn curfew.³² On 22 April, it was reported that only 11 out of 23 UN agencies and INGOs had resumed their operations in Arakan State.³³

Aid situation remains dire

The regime Health Ministry and Arakan State officials claimed that they would be able to fill the aid void in Arakan State after MSF’s departure.³⁴ However, in March, MSF expressed concern that tens of thousands of people in Arakan State who depended on MSF aid were facing a humanitarian medical crisis as a result of its suspension.³⁵ On 10 March, reports began to emerge of Rohingya dying without access to adequate medical care and from poor treatment at local public hospitals.³⁶ On 13 March, it was reported that at least 150 Rohingya, including pregnant women facing difficult deliveries, had died since 28 February.³⁷

Despite the obvious demand for aid in Arakan State following the regime’s expulsion of MSF, the humanitarian aid situation further deteriorated in April after the departure of more foreign aid agencies, including Malteser International.³⁸ Throughout April, reports emerged about the dire situation and lack of access to aid for more than 800,000 people in Arakan State, including 140,000 displaced Muslim Rohingya experiencing water and food shortages in IDP camps across Arakan State, and health services being “severely hampered.”³⁹

On 23 April, the regime’s Emergency Coordination Center (ECC) – run by regime and local Arakan State authorities – confirmed that MSF and Malteser International would not be able to resume services in Arakan State.⁴⁰ The ECC also said the UN and other INGOs would not be allowed to operate in Arakan State unless they provided details of where and to what extent they would provide aid.⁴¹

REGIME'S COMMITMENT TO NATIONWIDE CEASEFIRE QUESTIONED AS FIGHTING INTENSIFIES

Tatmadaw intensifies military operations in Kachin and Shan States

Despite ongoing talks between the regime and ethnic armed groups aimed at reaching a nationwide ceasefire, from January to April, the Tatmadaw intensified its military offensives against the Kachin Independence Army (KIA), the Shan State Army-North (SSA-N), the Shan State Army-South (SSA-S), and the Ta'ang National Liberation Army (TNLA) in Kachin and Northern Shan States.⁴² Despite overwhelming evidence to the contrary, the Tatmadaw officials denied the attacks. On 10 March, Tatmadaw lead negotiator Lt Gen Myint Soe denied that the Tatmadaw had attacked ethnic armed groups in Kachin and Shan States in January and February, saying that the Tatmadaw “did not launch any offensives.”⁴³ On 21 April, President Thein Sein’s spokesman Ye Htut reiterated Naypyidaw’s outrageous claim that the Tatmadaw only fought to defend itself.⁴⁴

The Tatmadaw used heavy artillery against the KIA, SSA-N, SSA-S, TNLA and civilians.⁴⁵ From January to April, fighting took place in 11 townships in Shan State and five townships in Kachin State. In March and April, the Tatmadaw intensified its militarization in the area, deploying an additional 12 battalions, just ahead of the nationwide census.⁴⁶

During the census, Tatmadaw soldiers and police accompanied census enumerators to parts of Kachin and Northern Shan States to “provide security.”⁴⁷ On 2 April, 1,000 Tatmadaw soldiers arrived in Man Wein Village in Mansi Township, Kachin State, threatening to take the census by force, despite the Kachin Independence Organization’s rejection of the regime’s request to collect census data in KIA-controlled areas.⁴⁸

Offensives against the KIA intensified in April, leaving eight Tatmadaw soldiers and 14 KIA soldiers dead.⁴⁹ Following the killing of Tatmadaw Lt Col Myo Nyunt by KIA soldiers on 4 April, Tatmadaw troops launched a series of massive attacks on KIA positions in Kachin and Northern Shan States.⁵⁰

Tatmadaw commits human rights abuses, displaces thousands

Tatmadaw troops continued to directly target civilians, including women and children, as part of their military operations over the past four months in Kachin and Northern Shan States. Civilians have been killed during artillery attacks on their villages, while others have been captured and tortured.⁵¹ Tatmadaw troops have also forced civilians to act as porters.⁵²

On 1-2 March, despite being located in a ceasefire zone and no Shan forces being present, Tatmadaw troops in Nawnghkio Township, Northern Shan State, shelled 11 villages, causing 2,000 villagers to flee.⁵³ In addition, Tatmadaw troops detained and tortured five villagers suspected of links with the SSA-S in Kyaukme Township, Northern Shan State.⁵⁴

In April, increased fighting resulted in increased displacement of civilians in Kachin and Northern Shan States. On 10 April, Tatmadaw troops from LIBs 622 and 588 shelled Lagat Yang IDP camp, Mansi Township, Kachin State, displacing at least 800 IDPs, and causing over 2,000 Shan, Kachin, and Palaung villagers to flee to Namkham Township, Shan State, and across the China-Burma border.⁵⁵ Once across the border, Tatmadaw troops continued to fire artillery shells on IDPs, wounding two civilians.⁵⁶ At least 5,000 people, including 1,000 children, had fled their homes as of 25 April.⁵⁷

Regime authorities blocked access to aid by closing a road from Man Wein Village, Mansi Township, Kachin State, to the Chinese town of Nandau, complicating efforts of humanitarian groups trying to reach IDPs.⁵⁸

The Tatmadaw also continued their practice of using rape as a weapon of war during the fighting in Kachin State. On 8 January, Tatmadaw soldiers from LIB 298 gang-raped a Kachin woman on the Myitkyina-Sumptra Bum Road, near Myitkyina, Kachin State.⁵⁹ On 10 April, Tatmadaw soldiers from LIB 320 gang-raped a 17-year old girl in Momauk Township, Kachin State.⁶⁰

Ceasefire talks stall as fighting continues; regime refuses to address grievances

Ceasefire talks between the regime and ethnic armed groups progressed slowly, having been postponed multiple times. In April, at the closure of a meeting at the Myanmar Peace Center (MPC) in Rangoon, representatives from 21 ethnic armed groups and regime officials involved in the negotiations issued a joint statement saying they had agreed “in principle” on a first draft of a single text for the nationwide ceasefire peace agreement.⁶¹ However, negotiations have stalled over disagreements in terminology.⁶² Ethnic armed groups voiced their support for a “genuine federal union,” while Tatmadaw Commander-in-Chief Sr Gen Min Aung Hlaing reiterated the Tatmadaw’s desire to include its own six-point policy, which called for all ethnic armed groups to come under central military control in accordance with the 2008 constitution.⁶³

The ongoing fighting in Kachin and Northern Shan States undermined the KIA’s trust in the peace process. While on a visit to the United States in April, KIA Deputy Chief-of-Staff Brig Gen Gun Maw said that the spike in violence was designed to weaken the KIA before the ceasefire is signed, and that the KIA would not sign the ceasefire if the regime tried to force it by “military means.”⁶⁴ On 23 April, the United Nationalities Federal Council (UNFC), an alliance of ethnic groups, released a warning that Tatmadaw offensives in Kachin and Northern Shan States could jeopardize the nationwide ceasefire agreement.⁶⁵

ARBITRARY ARRESTS AND IMPRISONMENTS CONTINUE

From January to March 2014, regime authorities charged or arrested a total of 95 activists, journalists, and human rights defenders.⁶⁶ According to Assistance Association for Political Prisoners (AAPP), there are still at least 40 political prisoners behind bars.⁶⁷

As of the end of March, there were at least 170 activists still awaiting trial on various charges, most of them under Article 18 of the Peaceful Gathering and Demonstration Law.⁶⁸

Human Rights Defenders

- **11 February:** Plain-clothed police officers arrested activist Thaw Zin in connection with two alleged confrontations in 2013 between local residents and Chinese company Wanbao staff members, in Salingyi Township, Sagaing Division.⁶⁹ On 24 March, a court in Monywa, Sagaing Division, sentenced Thaw Zin to 15 months in prison for helping local villagers protest against land confiscation related to the Monywa (Letpadaung) copper mine.⁷⁰ Thaw Zin was convicted on charges of trespassing, “disturbing public tranquility”, and “disobedience duly promulgated by a public servant.”⁷¹
- **1 April:** Rangoon District Court sentenced activists Nay Myo Zin and Win Cho to three months in prison under Article 18 of the Peaceful Gathering and Demonstration Law for organizing a protest on 17 January, which called for the respect of farmers’ rights, the enactment of constitutional reform, and the release of jailed activists.⁷²

Journalists

- **31 January:** Police from Pauk Township, Magwe Division, arrested Unity Weekly journal reporter Lu Maw Naing for the publication of an article on 25 January which claimed that the military had a secret chemical weapons factory in Pauk Township, Magwe Division.⁷³ On 1 February, police officers arrested Unity Weekly CEO Tint San and three more Unity Weekly journalists, Yarzar Oo, Paing Thet Kyaw, and Sithu Soe on the same charges.⁷⁴ If convicted, they could face up to 14 years in jail.⁷⁵
- **7 April:** A court in Magwe, Magwe Division, sentenced DVB video journalist Zaw Pe to one year in prison under charges of trespassing and disturbing a civil servant on duty.⁷⁶ Zaw Pe was sentenced for conducting an interview about a scholarship program at the Magwe Division Education Department in August 2012.⁷⁷

Farmers / Protestors

- **1 March:** Farmers in Maddaya Township, Mandalay Division, staged a protest by plowing land that the regime had confiscated from them in 1986.⁷⁸ On 2 March, police charged four farmers, Ye Yint Aung Nay Win, Zaw Win, and Ko Ko Aung under Articles 447 and 427 of the Penal Code for trespassing and vandalism.⁷⁹ Local authorities later charged the four farmers with sedition.⁸⁰ On 10 April, regime authorities in Mandalay arrested Ye Yint Aung and Zaw Win under Article 505(b) of the Penal Code and took them into custody in Mandalay's Obo Prison.⁸¹
- **7 March:** Police arrested four villagers in Yinmabin Township, Sagaing Division, who were trying to stop police from bulldozing toddy palm trees on land that authorities had confiscated from them without compensation.⁸² Police used batons to beat and injure many of the villagers.⁸³
- **10 March:** Shwebo District Court, Sagaing Division, sentenced three protestors – Nyunt Swe, Sein Myint, and Tun Linn – to prison for demonstrating against regime authorities in Kin U Township in a land confiscation dispute.⁸⁴ Nyunt Swe was sentenced to two years in prison under Article 505(b) of the Criminal Code, for causing instability in the region, and three months in prison under Article 18 of the Peaceful Gathering and Demonstration Law.⁸⁵ Sein Myint and Tun Linn were both sentenced to three months in prison under Article 18 of the Peaceful Gathering and Demonstration Law.⁸⁶
- **27 March:** Local police in Mandalay arrested four protestors – Thein Aung Myint, Saw Hla Aung, Kyaw Myo Tun, and Tin Tin Khat – under the Peaceful Gathering and Demonstration Law during a protest against an electricity price increase approved by Parliament in March.⁸⁷ Police released the four activists on bail on 31 March.⁸⁸ On 1 April, police charged them under the Peaceful Gathering and Demonstration Law.⁸⁹

NO END IN SIGHT FOR CONSTITUTIONAL AMENDMENT PROCESS

More than 12 months since the National Parliament approved a proposal to set up a commission to review the 2008 military-drafted constitution, the regime, the Union Solidarity and Development Party (USDP), and military-dominated Parliament have done little to amend its problematic clauses.

- **20 March 2013:** The National Parliament approved a proposal introduced by USDP MP Aye Myint in the People's Assembly five days earlier to set up a commission to review the constitution.⁹⁰ USDP MPs who backed the initiative indicated that they sought to change provisions concerning local governance to allow ethnic nationalities increased self-rule.⁹¹
- **25 July 2013:** The National Parliament approved the formation of a 109-member committee to review the 2008 constitution.⁹² The committee, chaired by the National Parliament's Deputy Speaker, reflected the political makeup of Parliament and included 52 USDP MPs, 25 military-

appointed MPs, seven NLD MPs, and a total of 18 MPs from ethnic political parties.⁹³ All 18 political parties represented in Parliament had at least one MP on the committee.⁹⁴

- **23 August 2013:** The parliamentary constitutional review committee held its first meeting in Naypyidaw and agreed to submit a report on its findings to the National Parliament by 31 December.⁹⁵
- **3 October 2013:** The parliamentary constitutional review committee invited political parties, organizations, and individuals to submit suggested amendments to the 2008 constitution by 15 November.⁹⁶
- **7 November 2013:** The parliamentary constitutional review committee extended the deadline for the publication of its final report from 31 December to 31 January.⁹⁷ The 109-member parliamentary committee also extended the deadline for receiving suggestions on charter amendments from 15 November to 31 December.⁹⁸
- **1 January 2014:** In his radio address to the nation, President Thein Sein said that “a healthy constitution must be amended [...] to address the national, economic, and social needs” of society and to facilitate political dialogue and national reconciliation, which was essential for the peace process.⁹⁹ He also said he did not support restrictions being placed on any citizen to become President.¹⁰⁰
- **31 January 2014:** The parliamentary constitutional review committee submitted its report on constitutional reform. The committee received 28,247 suggestions proposing more than 300,000 amendments.¹⁰¹ The report failed to propose any real changes to contested articles, including Article 59(f), which bars Daw Aung San Suu Kyi from the presidency; Articles 109 and 141, which reserve 25% of seats for military MPs; and Article 436, which requires an approval of more than 75% of the Parliament for constitutional amendments.¹⁰² The committee also retained the clause granting immunity to military personnel who commit crimes while carrying out their duties.¹⁰³
- **3 February 2014:** The National Parliament approved the formation of a new 31-member parliamentary committee tasked with reviewing the compilation of suggested amendments of the 109-member constitutional review committee.¹⁰⁴ The new 31-member committee will submit a separate report to Parliament with recommendations for constitutional amendments.¹⁰⁵ The committee, made up of 11 USDP MPs and seven military MPs, included only two NLD MPs and only a handful of MPs from ethnic parties.¹⁰⁶

Problematic clauses in the constitution:

1. Military is above the law [Art. 20]

The constitution provides no oversight for military affairs, including defense spending.¹⁰⁷ The military is also empowered with “safeguarding the Constitution”. This principle could be invoked at any time to prevent constitutional amendments that the military sees as inimical to its interests.¹⁰⁸

2. President comes from the military [Art. 59]

The President must be a person acquainted with military affairs. In addition, the President cannot have any children that are foreign nationals. Both of these provisions bar Daw Aung San Suu Kyi from being appointed as President.¹⁰⁹

3. Military occupies 25% of Parliament [Art. 109, 141]

The Armed Forces commander-in-chief is given the power to appoint 25% of the seats in both the upper and lower houses of Parliament.¹¹⁰

4. Military selects the Defense, Home Affairs, and Border Affairs Ministers [Art. 232]

The President appoints the Defense, Home Affairs, and Border Affairs Ministers from a list prepared by the commander-in-chief, before submitting them to the National Parliament for

approval.¹¹¹ The military personnel who are appointed as Defense, Home Affairs, and Border Affairs Ministers are not required to retire or resign from the military.¹¹²

5. Federalism is denied [Art. 96, 188, 216, 249, 261]

A multiethnic country like Burma is suitable for federalism because it allows greater autonomy for ethnic States. However, the power of the President to appoint the Chief Ministers of States goes against federal principles.¹¹³

6. Military controls constitutional amendments [Art. 436]

For ordinary matters, the constitution can be amended when over 75% of legislative members of both houses of Parliament approve the amendment. Any amendment to the charter's so-called "fundamental principles" would require a two step process. The amendment would first require the approval of over 75% of the Parliament, followed by a favorable vote of more than 50% of eligible voters in a referendum. Getting 75% approval in the legislature would be impossible when an army bloc could stop any such move.¹¹⁴

7. Military coups are legalized [Art. 40, 410, 413, 420, 432]

The Armed Forces commander-in-chief is empowered to declare a "state of emergency" and the power to "restrict or suspend" fundamental rights of the citizens if he perceives a threat of "disintegration of national solidarity".¹¹⁵ The military would receive immunity from prosecution for actions taken during emergency rule.¹¹⁶

8. The junta is granted immunity [Art. 445]

Article 445 provides that no legal action can be taken against State Law and Order Restoration Council (SLORC) and State Peace and Development Council (SPDC) members who officially carried out their duties according to their responsibilities.¹¹⁷

¹ UN News Center (23 Jan 14) Top UN officials call for probe into latest violence in Myanmar's Rakhine state; HRW (23 Jan 14) Burma: Investigate New Killings of Rohingya; RFA (16 Jan 14) Rights Group Claims More Than a Dozen Muslims Killed in New Myanmar Violence; AP (16 Jan 14) Group: Myanmar mob kills more than a dozen Muslims; AP (16 Jan 14) Mob 'hacks women to death' in Myanmar; AP (16 Jan 14) Mob 'hacks women to death' in Myanmar; AP (17 Jan 14) Govt denies Buddhist mob attacked, killed Muslims in Maungdaw; Fortify Rights (23 Jan 14) Myanmar: End Mass Arrests of Muslim Men and Boys in Rakhine State, Protect At-Risk Communities

² Irrawaddy (24 Jan 14) Burma Govt Rejects 'Unacceptable' UN Statement on Rohingya Killings

³ AP (17 Jan 14) Myanmar denies Buddhist mob kills Muslim villagers; Irrawaddy (28 Jan 14) Govt Rejects Call for Int'l Investigation Into Alleged Rohingya Killings; EMG (08 Feb 14) Investigation commission for Du Chee Yar Tan incident to report at the end of this month; RFA (07 Feb 14) Myanmar President Orders Commission to Probe Rakhine Violence; DVB (07 Feb 14) Maungdaw investigation to overlook allegations of Rohingya massacre

⁴ NLM (15 Feb 14) Statement No. (2/2014) of Myanmar National Human Rights Commission regarding findings of Commission Team from its investigation of the incident at Ducheeratan village-tract; RFA (11 Mar 14) Myanmar Panel Rejects Claims of Rohingya Killings, Recommends Citizenship; Myanmar Times (12 Mar 14) Investigation team accuses media, INGOs of inflaming Rakhine conflict

⁵ Mizzima News (06 Feb 14) Rakhine probe team urges police weapons upgrade; Mizzima News (12 Mar 14) Panel recommends citizenship for eligible Muslims in Rakhine State; RFA (11 Mar 14) Myanmar Panel Rejects Claims of Rohingya Killings, Recommends Citizenship; Irrawaddy (11 Mar 14) Govt Investigation Dismisses Allegations of Rohingya Killings; DVB (11 Mar 14) Duchira Dan commission slams UN, media; denies massacre

⁶ RFA (19 Feb 14) UN Envoy Calls for 'Trust-Building' Between Myanmar Government, Ethnic Rebels

⁷ RFA (19 Feb 14) UN Envoy Calls for 'Trust-Building' Between Myanmar Government, Ethnic Rebels

⁸ Myanmar Times (27 Feb 14) Speaker sends four religion-focused laws back to government; RFA (15 Jan 14) Myanmar Buddhist Monks Launch Group for 'Defending Religion'; RFA (27 Feb 14) Myanmar Leader Backs Buddhist Monks' Calls for Laws to 'Protect' Religion, Race; Thomson Reuters Foundation (10 Mar 14) Hopes Were High for Burma But Is the Honeymoon Over?

⁹ Myanmar Times (27 Feb 14) Speaker sends four religion-focused laws back to government; RFA (15 Jan 14) Myanmar Buddhist Monks Launch Group for 'Defending Religion'; RFA (27 Feb 14) Myanmar Leader Backs Buddhist Monks' Calls for Laws to 'Protect' Religion, Race; Thomson Reuters Foundation (10 Mar 14) Hopes Were High for Burma But Is the Honeymoon Over?

¹⁰ Irrawaddy (21 Jan 14) 'Religious Roots of Social Harmony' Discussed in Rangoon

¹¹ Irrawaddy (07 Mar 14) Thein Sein Orders Commission, Court to Draft 'Protection of Religion' Law

¹² Irrawaddy (16 Jan 14) Monk Conference Backs Bills to Restrict Interfaith Marriage, Rohingya voting

¹³ EMG (21 Mar 14) Myanmar politics for citizens only: New law

¹⁴ AP (16 Jan 14) Group: Myanmar mob kills more than a dozen Muslims; AP (17 Jan 14) Muslims 'killed by Myanmar mob'; AP (17 Jan 14) Myanmar denies Buddhist mob kills Muslim villagers; AP (17 Jan 14) Govt denies Buddhist mob attacked, killed Muslims in Maungdaw; Irrawaddy (17 Jan 14) Buddhist Mob, Police Raid Rohingya Village, Many Left Dead: Rights Group; VOA (20 Jan 14) Reports of Religious Violence in Remote Part of Burma Draw Concern

¹⁵ Mizzima News (17 Mar 14) Rakhine State protests oppose 'Rohingya' as census category; Irrawaddy (17 Mar 14) Wirathu Joins Arakanese Protest Against Census; Irrawaddy (14 Mar 14) Wirathu Visits Sittwe, Urges Strong Security Presence; EMG (17 Mar 14) Ethnic Rakhine oppose use of "Rohingya" in state census taking

¹⁶ AFP (29 Mar 14) Myanmar bans 'Rohingya' term from census; AAP (30 Mar 14) Myanmar says 'Rohingya' term banned; DVB (30 Mar 14) Burma's first census in 30 years begins; DVB (30 Mar 14) Term 'Rohingya' struck from census

¹⁷ AP (29 Mar 14) Myanmar bans 'Rohingya' term from census

¹⁸ AP (29 Mar 14) Myanmar bans 'Rohingya' term from census

¹⁹ UNFPA (01 Apr 14) STATEMENT: UNFPA Concerned about Decision Not to Allow Census Respondents to Self-Identify as Rohingya

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