

Transitional Justice: MYANMAR CASE STUDY

AJAR and ND Burma



TRANSITIONAL JUSTICE
ASIA NETWORK



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Edition

First, October 2017

About Asia Justice and Rights

Asia Justice and Rights (AJAR) is a regional human rights organisation based in Jakarta, Indonesia. AJAR works to increase the capacity of local and national organisations in the fight against entrenched impunity and to contribute to building cultures based on accountability, justice and willingness to learn from the root causes of mass human rights violations in the Asia Pacific region. For more information, visit <http://asia-ajar.org>.

About ND-Burma

ND-Burma formed in 2004 in order to provide a way for Burma human rights organisations to collaborate on the human rights documentation process. The 13 ND-Burma member organisations seek to collectively use the truth of what communities in Burma have endured to advocate for justice for victims. ND-Burma trains local organizations in human rights documentation; coordinates members' input into a common database using Martus, a secure open-source software; and engages in joint-advocacy campaigns. For more information, visit <http://nd-burma.org>.

About Transitional Justice Asia Network

Transitional Justice Asia Network facilitates learning and knowledge-building on transitional justice and accountability initiatives across the region.

Photos

1. Taung Paw camp in Myebon, Rakhine State, Myanmar (Photo Credit: UN Multimedia/David Ohana).
- 2 & 3. ND-Burma implements a transitional justice training in Kachin State (Photo Credit: ND-Burma).

Myanmar gained independence in January 1948, following the 1947 Panglong Conference. At this conference General Aung San along with Kachin, Shan, and Chin leaders overcame the divide-and-rule policy of the British by agreeing on ethnic equality within a Federal Union of Burma. However, after General Aung San was assassinated in 1947, new leaders neglected the Panglong agreement. Armed conflicts soon broke out between ethnic armed groups and government forces, sparked by demands for self-determination and ethnic equality. After General Ne Winn's 1962 coup, the civil war escalated. At the same time, repression inside Myanmar increased with widespread detention and torture of political dissidents, journalists, human rights activists, and anyone suspected of criticising the state.¹

In 1990, military leaders took power establishing the so-called State Law and Order Restoration Council. The Council pursued ceasefire agreements with some ethnic armed groups, such as the Kachin Independence Army (KIA) in 1994. A new constitution in 2008 allowed the military regime to integrate some rebel groups into state-controlled Border Guard Forces under their command.² However, fighting continued in Kachin and northern Shan States, and after 17 years, the ceasefire with the KIA fell apart in 2011.³

Under the 2008 constitution, the military retains autonomy from civilian oversight and holds extensive power over the government and national security, with control of the Defense, Home Affairs, and Border Affairs Ministries. The armed forces are guaranteed 25% of parliamentary seats, providing an effective veto over any constitutional amendments, and are authorised to assume power in a national state of emergency.

Retired General Thein Sein was elected President in March 2011, promoting reform by initiating dialogue with Aung San Suu Kyi, who was then recently released from two decades of house arrest. He also appealed to dozens of ethnic armed groups to re-start peace talks, establishing the Union Peacemaking Central Committee, chaired by himself. Thein Sein's government also formed the Myanmar Peace Center (MPC) in Yangon to provide technical assistance to these peace processes.⁴ Although eight ethnic armed groups signed separate ceasefire agreements with the government, the President was unable to achieve a nationwide ceasefire agreement (NCA) before parliamentary elections in November 2015.⁵

A civilian government, led by the National League for Democracy (NLD), took office in 2016 after sweeping the November 2015 elections. Headed by State Counsellor Aung San Suu Kyi and President Htin Kyaw, the NLD controls a majority of both upper and lower house parliamentary seats in the country's first democratically elected, civilian-led government since 1962. However, the new government inherited deep-rooted challenges, including constitutional empowerment of the military, repressive legislation, weak rule of law, and a corrupt judiciary. Furthermore, because the NLD-led government does not have control over the military, the military enjoys impunity despite the many human rights violations it commits in ethnic areas.

From 31 August to 3 September 2016, Aung San Suu Kyi presided over the 21st Century Panglong Conference, billed as a forum for re-engaging armed groups and other national stakeholders in the country's peace process. However, intensified fighting on the ground continued unabated. On 24 May 2017, the government hosted the second session of the Panglong Conference. In a speech at this second session, the military's commander in chief, Senior General Min Aung Hlaing, said the basic concepts that some ethnic armed organisations

1 AJAR, Legal Clinic Myanmar, and Wimutti Volunteer Group, "Briefing Paper: The legacy of mass torture and the challenge for reform in Myanmar," 2016, at <http://www.asia-ajar.org/files/Myanmar%20Briefing%20Paper%20-%20English.pdf>

2 "Elections, Transition and Conflict," at <http://www.mmpeacemonitor.org/background/background-overview>

3 Report on the Human Rights Situation in Burma January-September 2011, at <http://nd-burma.org/reports/report-on-the-human-rights-situation-in-burma-january-september-2011/>

4 "Government peace plan," at <http://www.mmpeacemonitor.org/peace-process/government-peace-plan>.

5 In 2017 the major groups that have not signed the NCA—Kachin Independence Army, United Wa State Army, Ta'ang National Liberation Army, Shan State Army/Shan State Progress Party, Myanmar National Democratic Alliance Army, National Democratic Alliance Army-Eastern Shan State, and Arakan Army—established the Federal Political Negotiation and Consultative Committee (FPNCC) to carry out dialogue with the government.

had submitted in the previous session of the conference went far beyond the federal system. He also warned that the only way to have a federal system based on democracy was through the NCA.

Fighting has escalated in northern Shan State in areas where groups who have not signed the NCA are based. As a result, 98,000 people are displaced in Kachin and northern Shan States. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), many of them are suffering from a shortage of food because the military is blocking aid. It seems that the aim of the current military offensives is to put pressure on the KIA to sign the NCA and to engage in political dialogue. Violence also continues to escalate in Rakhine State with attacks by Rohingya militants, and the Rohingya insurgent group, ARSA, has also allegedly murdered civilians. Such attacks are met with massive retaliation by government forces that, as of September 2017, has resulted in more than 400,000 refugees crossing the border to Bangladesh.

On 24 March 2017 the UN approved a fact-finding mission to Rakhine, as well as to Kachin and northern Shan States, amid massive international and civil society pressure. The government has said it will not cooperate and will not give investigators access to certain areas of Rakhine.

The situation of civil society

Civil society has had limited space to operate since the military coup in 1962, with further crackdowns after the uprising of students and youth in 1988 and the Saffron Revolution of 2007.⁶ Some groups continued to operate inside the country within the narrow confines allowed them, and others conducted advocacy from exile in Thailand or elsewhere. However, after 50 years of military rule, Myanmar is now undergoing an exceptional period of transition. In the current political climate, the re-

6 Student protests regarding the economy and government restrictions on personal freedoms led to a nationwide uprising for democracy on 8 August 1988 that was crushed by a brutal military crackdown. In September 2007, thousands of Buddhist monks in their saffron-coloured robes, began to demonstrate in increasing numbers in major cities in Myanmar. They were protesting recent hikes in fuel costs that were putting a stranglehold on basic livelihoods throughout the country as well as injuries to monks by government troops. Again the protests, that saw unity between monks and pro-democracy activists, were quelled by the military.

emergence of civil society networks will be extremely important. This sector faces many challenges, including distrust of the government, legal constraints, and low-levels of capacity.

The situation of victims

The ongoing civil war in ethnic areas has resulted in mass violations, including land confiscation, forced labor, recruitment of child soldiers, forced relocation, torture, and extra-judicial killings. In some contexts, ceasefire agreements have opened doors to extractive industries, bringing about new repression against local residents and activists who oppose the projects.

Civil society organisations (CSOs) working with survivors of torture, sexual violence, and other human rights violations, have noted physical and psychological consequences. These include lasting physical injuries and psychological trauma that result in anxiety, difficulty sleeping, shame, guilt, depression, and isolation. Former political prisoners endure social exclusion, while victims of sexual violence experience stigmatisation in their communities. Disruptions to their livelihood exacerbate financial hardship in a country with few economic opportunities. Survivors lack access to health and medical care, psychological support, legal assistance and livelihood opportunities.⁷ In many instances, victims and their families face retaliation for speaking out, such as in the 2012 murder of a young Kachin girl named Ja Seng Ing. An independent committee determined that the military was at fault. But when her father wrote a letter of complaint to the President and the Myanmar National Human Rights Commission, he was convicted of making false allegations against the military.

7 AJAR, Legal Clinic Myanmar, and Wimutti Volunteer Group, "Briefing Paper: The Legacy of Mass Torture and the Challenge for Reform in Myanmar," 2016, at <http://www.asia-ajar.org/files/Myanmar%20Briefing%20Paper%20-%20English.pdf>

Transitional Justice Initiatives

Official Initiatives

Myanmar reached a turning point when the first democratically elected government in over 50 years took office on 1 April 2016. With the transition came new opportunities and hope for reform, reconciliation, and justice. State Counsellor Aung San Suu Kyi announced the government's intention to release political prisoners in the first few weeks of her administration. However, despite hopes for positive change, ethnic conflict escalated in several areas, giving rise to human rights violations, affecting the lives of thousands of civilians, and hampering the national reconciliation process.

Aung San Suu Kyi appointed a nine-member commission to address violence in Rakhine State, where Buddhists and the Rohingya Muslims have lived separately since clashes in 2012 in which more than 100 people were killed. A team led by former UN Secretary General Kofi Annan arrived in Rakhine State in December 2016 amid a new army crackdown after attacks by militants on border posts. The sweep killed at least 86 people and sent approximately 22,000 fleeing to Bangladesh, while the UN estimates 120,000 people were displaced within Rakhine State.

In January 2017 the government-appointed Rakhine Commission released an interim report denying allegations that government forces committed violations. The Commission's report was heavily criticised by domestic and international NGOs and human rights activists.

At the same time, there have been some positive moves towards transitional justice. For example, in May 2017, 28 Burmese expatriates had their citizenship reinstated after having lost it due to taking foreign citizenship or residency. Another positive move has been in the form of land restitution. At the end of June 2017 the government began an investigation into whether 140 acres of land seized by former government officials in Dekkhinathiri, Naypyitaw, should be returned to the original owners. June also saw compensation paid to a number of farmers for land that had been seized in Magway region to make space for housing for government officials. Also, the Kachin State parliament voted to reclaim vacant land that had been seized and return it to the original owners. The Myanmar

National Human Rights Commission conducted a five-day visit of a number of jails as part of the government's prison reform process in August 2017.

Justice

Most cases of human rights violations by the military are brought to military courts that lack transparency and accountability. Nevertheless, there has been some shift towards accountability. For example, in September 2016, a court martial at the Northeastern Command headquarters in Lashio found seven soldiers guilty of murder, after five civilians were arrested and later found buried in a field. The soldiers were stripped of their positions and sentenced to five years in prison with hard labour. Uncharacteristically for military tribunals in Myanmar, where even verdicts are generally not made public, victims' families were permitted to observe the proceedings. In a second case, a soldier was given a two-year sentence with hard labour by a Kachin State military court in January 2017 for the death of an unarmed university student.

Civil Society Initiatives

Civil society has continued to hold events that contribute to or call for transitional justice measures.

Truth: Truth-telling and human rights documentation initiatives are being carried out by victims and families, together with CSOs and influential local religious groups on cases such as the murder of Ko Par Gyi, a freelance journalist allegedly killed by Myanmar's army, and two Kachin teachers who were brutally raped and killed by soldiers.

To mark the International Day for the Elimination of Sexual Violence in Conflict, a number of local groups advocating for women's rights held an event on 16 June 2017 that highlighted the fact that rape by security forces continues unpunished in Burma. A few days later, on 21 June, the Vimutti Women's Organisation, a member of the ND-Burma Reparations Working Group, held an event bringing together former women political prisoners who called for recognition of the sacrifices they have made in the struggle for democracy.

Memorialisation: The 8888 Uprising Museum is being developed by the 88 Generation Peace and Open Society, a group of former student activists, to learn from the events of widespread pro-democracy demonstrations in 1988 and help national reconciliation. Former political prisoners are also trying to build memorials in other parts of Myanmar, such as a monument to commemorate the 8888 uprising that was dedicated in Taunggyi, the capital of Shan State, on 31 December 2016. Other civil society initiatives include commemorations of the war in Kachin State, and the rape and murder in 2015 of two Kachin teachers.

Some efforts have been shut down, such as a ban on the film *Twilight Over Burma* at the Human Rights Human Dignity International Film Festival in Yangon in 2016. The fact-based film about an Austrian student who marries a Shan prince before he is imprisoned and killed after the 1962 coup was accused of increasing ethnic tensions and damaging the reputation of the army.

Reparations: Financial support for victims and their families are partially and temporarily provided by CSOs such as the Association of Political Prisoners (AAPP), U Win Tin Foundation, and Mitta Oway Foundation. Other CSOs, such as ND-Burma, are currently advocating for the government to take a more active role in upholding the rights of victims, including assistance for services to improve their lives. In July 2017, FHI360 (a US-based donor organisation) and USAID initiated a joint programme to provide fellowships for former political prisoners to serve as interns in Myanmar media and civil society organisations for six months.

Non-recurrence: August 2017 saw the launch of a human rights programme for 73 high schools in Bago region. Between 100–700 students will join the initiative that will conclude at the end of September. The curriculum was put together by ND-Burma member, the Assistance Association for Political Prisoners (AAPP), that is a long-time advocate of prison reform and that has been lobbying for human rights education to be permanently included in the school syllabus.

Future Challenges, Lessons Learned, and Conclusion

Justice and accountability are still unattainable in Myanmar. Article 445 of the 2008 constitution states that, “No proceeding shall be instituted against the said [previously-ruling] Councils or any member thereof or any member of the Government, in respect of any act done in the execution of their respective duties.” This article, also known as the Immunity Clause, is interpreted as granting amnesty for any regime official, as long as the crime was committed as a result of their official duties. This is further entrenched with the more recent Former Presidents Security Law of January 2016. Since there are no fair trials, key cases such as the disappearance of Sumlut Roi Ja and the murder of journalist Ko Par Gyi remain unresolved.

After the overwhelming win in 2015 by the NLD, expectations for the new government were high. The NLD, headed by Aung San Suu Kyi, had long campaigned for human rights, particularly freedom of speech, rule of law, and national reconciliation. However, it soon became clear that the protected position of the military under the 2008 constitution was unlikely to change in the near future. The military’s continued grip on power, mandated by the 2008 constitution, prevents Myanmar from becoming a fully-fledged democracy.

Violence poses the biggest challenge so far to Aung San Suu Kyi’s young government, renewing international criticism that the Nobel Peace Prize winner has done too little to find a viable solution to this crisis. The Rohingya continue to be denied their citizenship and access to basic services. This humanitarian crisis has created unprecedented pressure on the transition to democracy in Myanmar.

Recommendations

- Reach a genuine and comprehensive ceasefire agreement among all parties that includes a military code of conduct, the protection of human rights, and an international independent monitoring mechanism.
- Include CSOs in discussions about past and present human right violations and consult fully with victims and communities on the impact of such violations and possible remedies. Discussions about national reconciliation and forgiveness

must address victims' rights to truth, justice, reparations, and guarantees of non-repetition.

- Ensure as part of the final peace accord that government forces and all other armed parties will not enjoy impunity, but will be subject to accountability for human rights violations.
- Undertake independent and impartial investigations into human rights violations (including prosecution of perpetrators) and refrain from using the judicial system as a means to intimidate victims and witnesses.
- Civil society groups have embarked on numerous local truth-telling projects to commence a healing process. Even before a formal truth commission becomes possible, the new NLD-led government could recognise survivors' experiences through collaboration with civil society groups, acknowledging and supporting their work to enable them to scale up their activities.
- The government must develop a reparations policy with both short and long-term goals. First, public recognition

of past and continuing violations should be accompanied by rehabilitation programs to address survivors' immediate needs. Myanmar should build a system of social services for all, with targeted programmes to provide full remedy to survivors that include: a) access to health care for injuries and illnesses; b) appropriate mental health counselling, including community-based trauma healing strategies; and c) addressing the socio-economic consequences of violations (livelihood needs), including access to education or vocational training, employment opportunities, and capital.

- The UN Special Rapporteur on Torture has called for removing the military from a position "above the country's judicial and legal framework, outside of civilian control and oversight." Myanmar must act to end the de facto impunity of military actors by opaque and partial military courts, including: a) facilitating prosecutions of soldiers accused of criminal acts in civilian courts and b) changing the 2008 constitution to ensure civilian control and oversight of security forces, including military and police.

Transitional Justice Timeline in Myanmar

| INDEPENDENCE | |
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| 1948 | Myanmar gains independence from British rule with U Nu as Prime Minister. |
| ONE-PARTY, MILITARY-LED STATE | |
| 1958-1960 | Caretaker government takes power under Army Chief of Staff General Ne Win.- |
| 1960 | U Nu's party faction wins decisive victory in elections, but his promotion of Buddhism as the state religion and tolerance of separatism angers the military. |
| 1962 | General Ne Win leads a military coup, followed by abolition of the federal system, nationalisation of the economy through "the Burmese Way to Socialism", formation of a single-party state, and a ban on independent newspapers. |
| 1974 | A new constitution transfers power from the military to a People's Assembly headed by former military leaders. |
| 1975 | Regionally-based minority groups create the Opposition National Democratic Front and began guerrilla insurgencies. |
| 1981 | Ne Win relinquishes the presidency to San Yu, a retired general, but remains Chairman of the ruling Socialist Programme Party. |
| 1982 | The Burmese Citizenship Law designates ethnic groups, such as the Kachin, Karen, Chin, and Rohingya, as "associate citizens", denying them the rights of full citizens and barring them from public office. |

| RIOTS AND REPRESSION | |
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| 1988 | After a currency devaluation in 1987 that wiped out many people's savings, anti-government demonstrations take place throughout Myanmar, beginning in March. After a mass demonstration on 8 August 1988 (known as 8888), a military crackdown kills about 1,000 people. The State Law and Order Restoration Council (SLORC) takes power, pledging "to eliminate all forms of internal dissent or rebellion". In response to the coup, Aung San Suu Kyi co-founds the National League for Democracy (NLD). |
| 1989 | SLORC declares martial law and arrests thousands, including advocates of democracy and human rights. Aung San Suu Kyi is placed under house arrest. The government renames the country Myanmar and the capital Yangon. |
| FREE ELECTIONS BUT PRO-DEMOCRACY MOVEMENT STILL REPRESSED | |
| 1990 | In the first free elections in nearly 30 years, the opposition NLD wins more than 80% of seats. The junta refuses to recognise the results. |
| 1991 | Aung San Suu Kyi, still under house arrest, wins the Nobel Peace Prize for her non-violent promotion of democracy. |
| 1994 | A ceasefire agreement is signed by the Kachin Independence Army (KIA) and the government, and remains in force for 17 years. |
| 1995 | On 10 July, Aung San Suu Kyi is released after six years of house arrest. |
| 1996 | In May, the regime jails 71 supporters of Aung San Suu Kyi who block a pro-democracy meeting. On 3 December, riot police disperse hundreds of student demonstrators and detain dozens outside the Shwedagon Pagoda, before shutting down the universities. Aung San Suu Kyi attends her first NLD congress since her release, even as SLORC arrests more than 200 delegates. |
| 1997 | In February, thousands of Karen refugees flee into Thailand to escape fighting. In November, SLORC renames itself the State Peace and Development Council (SPDC). |
| RELEASE OF POLITICAL PRISONERS AND CEASEFIRE | |
| 1998 | In May, democracy activists mark the 1990 victory annulled by the junta. Their first legal gathering since then also commemorates the events of 1988. |
| 2000-2002 | The Thailand-based Shan Human Rights Foundation reports that the military raped at least 625 girls and women in Shan State, while Amnesty International accuses the army of killing and torturing hundreds of Shan villagers, forcing 302,200 to flee their homes over two years. |
| 2001 | The government releases over 200 political prisoners from jail, motivated by international pressure and the will to reflect progress in talks with the opposition. However, hundreds of political prisoners remain behind bars. |
| 2003 | In May, a drunken pro-government mob ambushes a convoy carrying Aung San Suu Kyi and members of the NLD, leaving at least 70 people dead. In June, the junta again closes universities and shuts down NLD offices. Soon afterward it unveils a 17-point "road map to democracy". |
| 2004 | In January the government and the Karen National Union (KNU), the most significant ethnic armed group, begin an informal ceasefire. In May, the government holds a constitutional convention, and in July former Prime Minister Khin Nyunt receives a 44-year suspended sentence after conviction on eight charges that include bribery and corruption. In November the junta frees student democracy leader Min Ko Naing after 15 years, part of a release of 3,937 inmates. He becomes head of the "88 Generation Students' Group". |
| 2005 | The junta reopens a national constitutional convention. Government battalions begin shelling villages and attacking internally displaced persons in southern Karen State and neighboring areas, forcing some 3,000 people to flee. Unocal settles a lawsuit for an undisclosed sum, concerning human rights abuses on the Yadana pipeline project related to an offshore gas field. |
| 2006 | The biggest military offensive in almost a decade uproots more than 11,000 ethnic minority civilians in a campaign punctuated by torture, killings and the burning of villages. |

| THE “SAFFRON REVOLUTION” AND NEW CONSTITUTION | |
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| January 2007 | The government frees nearly 3,000 prisoners, but key political prisoners are not among those released. China and Russia block the Security Council from demanding an end to political repression and human rights violations in Myanmar. |
| July 2007 | Southeast Asian foreign ministers agree to set up a regional human rights commission over fierce resistance from Myanmar. |
| August-September 2007 | Fuel price hikes led to a wave of public dissent and unrest. Monks joined this “Saffron Revolution” and on September 24 they lead about 100,000 in the largest demonstrations since 1988. On 26 September, government forces crack down, leaving at least 140 dead and 3,000 arrested. This draws diplomatic condemnation, including from a UN General Assembly resolution. |
| April-May 2008 | A new constitution assigns a quarter of parliamentary seats to the military, prohibits Aung San Suu Kyi from holding office, and includes Article 445 that is widely interpreted as an amnesty clause for civilian and military officials. Voting is delayed in areas hit hardest by cyclone Nargis that killed 133,000 people. |
| September 2008 | Myanmar's longest political prisoner, journalist Win Tin, is among 9,002 released prisoners. Freed after 19 years, he vows to continue his struggle for democracy. |
| MILITARY-BACKED CIVILIAN GOVERNMENT AND PROCESS OF REFORM | |
| 2010 | In November the main military-backed party Union Solidarity and Development Party (USDP) claims victory in the first election in 20 years, calling it a transition to civilian democracy. But the election is widely condemned, as opposition groups allege widespread fraud and the NLD boycotts the polls. Aung San Suu Kyi is released from house arrest. |
| March 2011 | Thein Sein, a former general, is sworn in as president of a nominally civilian government. The new government frees thousands of detainees, but few political prisoners. |
| August 2011 | Aung San Suu Kyi is invited to a national economic development forum. She meets with President Thein Sein for the first time since the elections. They discuss ethnic and political issues, including the on-going conflict. UN and US officials hold talks with government officials and Aung San Suu Kyi, and the president forms a new team to negotiate peace deals. |
| September 2011 | The Myanmar National Human Rights Commission (MNHRC) is founded. A potential avenue for truth and justice, it is soon criticised for not being independent, impartial, or effective. President Thein Sein also suspends construction of Chinese-funded Myitsone Dam, a sign of sensitivity to public opinion. |
| October 2011 | The new government frees 200 prisoners under a general amnesty, but once again few of those released are political prisoners. New labor laws allow the formation of unions. |
| December 2011 | The NLD re-registers as a political party, and ceasefire agreements are reached with one Shan and one Karen armed group. Despite a ceasefire order from the President, troops continue attacks in Kachin areas. US Secretary of State Hillary Clinton meets Aung San Suu Kyi and holds talks with President Thein Sein. |
| January 2012 | A ceasefire with the Karen ethnic armed group suspends 60 years of conflict. Hundreds of political prisoners are released, including leaders of the 1988 student protest movement, monks involved in the 2007 demonstrations, and ethnic minority activists. |
| April 2012 | The NLD takes part in parliamentary by-elections for the first time since 1990. Among the NLD candidates who win 43 out of 45 contested seats is Aung San Suu Kyi. |
| August 2012 | The President sets up a commission to investigate violence between Buddhists and Rohingya Muslims that killed dozens and displaced 80,000 in June. Myanmar abolishes pre-publication media censorship and the President later announces that private newspapers will be allowed after almost 50 years, although state control of media remains strong. More than 2,000 names are removed from a blacklist, allowing some political exiles to return. |
| October-November 2012 | Renewed violence in Rakhine State between Buddhists and Rohingya Muslims claims 90 lives, as aid agencies warn of a worsening humanitarian crisis. |

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| November 2012 | The Myanmar Peace Centre (MPC) is established with government endorsement to coordinate and provide strategic guidance to peace initiatives. Criticism soon emerges over MPC's capacity to promote the peace process. |
| December 2012 | Local police officials apologise for their violent crackdown on protesters at the Letpadan copper mine the month before. |
| January- February 2013 | The government and a Kachin armed group stop fighting to open a political dialogue. A ban on public gatherings of more than five people ends after 25 years, and the Remaining Political Prisoner Scrutiny Committee is formed to resolve political prisoner cases, as amnesties reduce prisoners from 354 to a few dozen. |
| March 2013 | Clashes in Meiktila between Buddhists and Muslims kill more than 40 people, displacing around 12,000 Muslims. A state of emergency is declared in the area, as Thein Sein threatens force to stop "political opportunists and religious extremists" from fomenting hatred between faiths. Six Muslims are later sentenced to prison, but no Buddhists are found guilty. |
| August-September 2013 | Civil society is permitted to hold commemorative events that mark the 88 uprising and 1989 Tharrawaddy Prison strike. In August, at 88 Silver Jubilee commemorations attended by two government ministers, a student group demands an apology for the brutal 1988 crackdown. The call for acknowledgement is a prominent theme during the 25 th anniversary commemoration events where survivors begin to publish their memoirs and incidents of past violence are publicly discussed. For example, former members of the All Burma Students' Democratic Front begin speaking out about torture and killings during an internal purge in 1992, and both judicial and non-judicial investigations are underway. In September, monks from the 2007 Saffron Revolution also demand an apology as they mark the sixth anniversary of the bloody crackdown. |
| January 2014 | Leaders of the 88 Generation Student Group hold a public ceremony in Yangon to honour political prisoners who died in jail, calling for members of the former regime to take responsibility. |
| April 2014 | Fighting intensifies between government troops and the Kachin ethnic armed group. |
| January 2015 | The government disbands the Remaining Political Prisoner Scrutiny Committee, which had called for an end to the rising arbitrary arrests of activists exercising newfound freedoms of expression and peaceful assembly. |
| February 2015 | As fighting intensifies in Shan State between government troops and the Kokang ethnic minority armed group, the region is put under a state of emergency. Student protests that began in January trigger hundreds of arrests. After Brang Shawng implicates the military in the death of his daughter in a letter to the MNHRC, he is convicted for making "false charges", an example of legal reprisals for exercising one's rights. |
| April 2015 | Newspapers protest the arrest and jailing of journalists. |
| July 2015 | The Deputy Minister for Home Affairs describes the term "political prisoner" as unconstitutional, a position that denies official recognition as a first step toward reparations. |
| August 2015 | The civil society-led 88 Memorial Hall opens in Yangon to reflect on the uprising and its aftermath. |
| September 2015 | As an example of retaliation against lawyers defending victims' rights, Khin Khin Kyaw faces prison and disbarment under section 228 of the Penal Code for defending student protesters in Letpadan township. |
| October 2015 | A "Nationwide Ceasefire Agreement" is signed by the government and some ethnic armed groups, but is criticised for not including all groups or addressing demands for federalism and equality. |
| November 2015 | In national elections, the NLD wins a majority in Parliament. |
| December 2015 | A parliamentary committee recognises that the "judiciary remains one of the country's most corrupt institutions" and notes executive influence over the branch. |

| NEW HOPES, NEW CONFLICTS, AND A THIRST FOR DEMOCRATIC PROGRESS | |
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| January 2016 | The First Union Peace Conference takes place. At the same time, the Former Presidents' Security Law facilitates immunity for grave violations of human rights, and a Land Confiscation Investigation Commission reports that land disputes remain unresolved and that government bodies do not abide by relevant laws, procedures, and recommendations of the Commission. |
| February 2016 | The NLD issues a statement of priorities: 1) national reconciliation, 2) internal peace, 3) rule of law, 4) a constitutional amendment, and 5) democratic development. The focus is on reconciliation between leaders of the NLD and the military, and continuation of the peace process. |
| March-April 2016 | The NLD forms a new government, with the first president since the 1962 coup who has no ties to the military. Aung San Suu Kyi enters government as the Minister of Foreign Affairs, as well as State Counsellor, a newly created position. One hundred and ninety-six political prisoners are released, including 69 students arrested after the 2015 Letpadan protests, prominent human rights defenders, and land-rights and community activists. Other political prisoners remain in jail. |
| July 2016 | In parliamentary debates, MPs criticise the MNHRC's handling of complaints, urging it to take more initiative to investigate alleged human rights violations and to end impunity. A National Reconciliation and Peace Centre is established, and the Ministry of Religious Affairs and Culture announces assistance for the 88 Generation Peace and Open Society to construct an 8888 uprising museum. The museum is intended to foster knowledge about the events and national reconciliation. |
| August 2016 | Departing from the military's refusal to acknowledge human rights violations, an army commander admits that soldiers under his command killed five men, charging them before a court martial. In an unusual move, family members of the victims are allowed to attend the hearing. All but one of the accused soldiers confesses to the killings. At the end of the month, the 21 st Century Panglong Peace Conference, convened by Aung San Suu Kyi, promotes political dialogue and peace-building between the government and non-state armed groups. While a milestone in gathering actors and airing speeches on state television, the conference does not delve into substantive issues. Obstacles remain, including on-going conflicts and the failure to include certain groups. "Protocol slights" cause some ethnic groups to feel unequally treated. |
| April-September 2016 | Clashes between government troops and ethnic armed groups break out in five states. These are accompanied by grave human rights violations and displacement that, in turn, have an impact on livelihoods, and undermine stability and trust in the peace process and transitional justice. |
| September 2016 | Criticism by MPs leads to the withdrawal of several members of the MNHRC after the commission pursues compensation instead of legal action for a torture case. The MNHRC faces sustained criticism that includes a lack of credibility, independence, transparency, and capacity. Under pressure from the international community, Aung San Suu Kyi creates an Advisory Commission on Rakhine State, led by Kofi Annan. |
| October 2016 | The military retaliates against the Rohingya minority following attacks of police stations in Rakhine State. Amnesty International reports over 1,200 cases of destruction of property, rape, and arbitrary arrest, leading in some cases to death. |
| December 2016 | Civil society groups in Taunggyi, the capital of Shan State, build a monument to commemorate the 8888 uprising. |
| January 2017 | The Advisory Commission on Rakhine State led by Kofi Annan expresses concerns over violence against the Rohingya minority in 2016. Clashes in Kachin State between the Kachin Independence Organisation (KIO) and government troops, including air power and long-range artillery, causes massive displacement. |
| 24 March 2017 | The UN approves a fact-finding mission to Rakhine, as well as to Kachin and northern Shan States. |
| 24 May 2017 | The government hosts the second session of the 21 st Century Panglong Peace Conference in Naypyidaw. |
| August 2017 | On 8 August, the government-appointed Investigation Commission for Maungdaw in Rakhine State publishes a summary of its final report. On 15 August, the Arakan Rohingya Salvation Army (ARSA) start to fight Myanmar's security forces in Arakan state. On 24 August, the government-initiated Advisory Commission on Rakhine State, chaired by former UN Secretary-General Kofi Annan, releases its final report. |

