

ADVOCACY BRIEF: MYANMAR

THE DETERIORATION OF CIVIC FREEDOMS A YEAR ON FROM THE COUP





INTRODUCTION

On 1 February 2021, the Myanmar military junta [seized power](#) in a coup. The junta arrested the civilian leaders of the national and state governments and declared a state of emergency.

Following mass mobilization by a 'civil disobedience movement' against the coup, the junta unleashed a [deadly crackdown](#). In the last year, peaceful protests have been violently disrupted with the junta [arbitrarily arresting or prosecuting](#) activists, students, protesters and journalists; and political prisoners have been tortured or ill-treated. The junta have [shut off](#) various communications services – including mobile services and internet access, blocked humanitarian aid and [attacked](#) entire villages, forcibly displacing tens of thousands.

The UN and numerous countries condemned the coup and some members of the international community have imposed sanctions. But regional efforts to address the crisis or halt the grave human rights violations have been minimal. The five-point [consensus agreement](#) decided by ASEAN leaders in Jakarta in April 2021 has seen little tangible progress.

Nearly a year after the coup, serious violations are still being reported daily – some which may amount to crimes against humanity - and the human rights and humanitarian crisis continues unabated in Myanmar.

LETHAL CRACKDOWN ON PROTESTS



Mass protests and strikes took place across Myanmar against the coup. Under the banner of the civil disobedience movement (CDM), doctors, teachers and other civil servants mobilised alongside students and the workers' movement.

In response, the Myanmar security forces intensified their [crackdown](#) on protests using violent crowd dispersal techniques. The use of water cannon, tear gas, rubber bullets and sound grenades, escalated to battlefield weapons including assault rifles, light machine guns, sniper rifles and live grenades. Large numbers of battle-hardened troops were deployed into towns and cities to

quell the protests. Human rights group, Assistance Association for Political Prisoners (Burma) has [reported](#) 1,493 individuals killed as of 25 January 2022.

Facing increasing violence from the security forces, demonstrators attempted to protect themselves with homemade shields and by constructing barricades across roads. Despite this, hundreds have been killed and thousands injured. Nevertheless, protests have persisted.

ABOUT THE CIVICUS MONITOR

The [CIVICUS Monitor](#), an online platform that tracks threats to civil society in countries across the globe, rates civic space – the space for civil society – in Myanmar as “**Repressed**”.

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED

REPRESSED

OBSTRUCTED

NARROWED

OPEN



ARREST AND CRIMINALISATION OF ACTIVISTS & PROTESTERS



According to AAPPB, a total of 8788 individuals are currently in [detention](#). They include human rights defenders, lawyers, trade unionists, student activists, LGBTQI+ activists, poets, writers, filmmakers and monks. Some were taken in terrifying [night-time raids](#). Others were abducted off the streets and held in secret facilities out of contact with their families and denied access to lawyers. Hundreds of political prisoners have been held in Insein Prison, one of Myanmar's most notorious jails, on the outskirts of Yangon, Myanmar's largest city.

In February 2021, the military regime [announced amendments](#) to the Penal Code to stifle dissent.

Following the coup, a new 'incitement' provision, section 505A, was [added](#) to criminalise comments that could "cause fear," spread "false news, [or] agitates directly or indirectly a criminal offence against a Government employee" – which would include any comments on the illegitimacy of the coup or the military government. Violation of the section is punishable by up to three years in prison.

The junta also significantly broadened the "treason" provisions in section 124 of the Penal Code. Section 124A, which already criminalised comments that "bring into hatred or contempt" or "excite disaffection against" the government. This was expanded to include comments relating to the defence services and defence services personnel, effectively criminalising any criticism of the military or military personnel. Violation of the section is punishable by up to 20 years in prison.

These provisions and other trumped-up charges have been brought against activists and protesters following the coup. In further attempts to spread fear, Myanmar's junta have [arrested family members](#) of dissidents in an effort to pressure the dissidents to turn themselves in.

JOURNALISTS AT RISK



Journalists have been systematically targeted by the junta since the coup. Over 100 journalists have been [arrested](#) and at least 26 are still [imprisoned](#) as of 1 December 2021. Many were detained during newsroom raids or while covering anti-coup street protests. The junta [published lists](#) of journalists wanted for providing information about the pro-democracy protests; unsurprisingly, a number of journalists have gone into hiding or have had to flee the country.

Many have been charged for violating section 505(a) of the penal code, a new provision that makes it a crime to publish or circulate comments that "cause fear" or spread "false news." Other [charges](#) brought against journalists include alleged violations of the Telecommunications Act, the Immigration Act, the Unlawful Association Act, the Insubordination Act and the Natural Disaster Prevention Law.



In October 2021, it was [reported](#) that three journalists jailed by the junta are now facing terrorism charges that could see them sentenced to several years in prison. The journalists are Win Naing Oo, a senior Channel Mandalay reporter, D Myat Nyein, a reporter with the now defunct Zayar Times in Sagaing Region, and Pyae Phyo Aung, who worked for the same outlet.

CIVIL SOCIETY ORGANISATIONS AFFECTED

The coup has also had a negative impact on civil society organisations due to the legal, financial, and other threats civil society groups are facing. According to a [report](#) commissioned by the PROTECT Consortium, one immediate impact of the coup was that many CSOs were forced to reduce or suspend their operations or close their offices. Important documents and files had to be moved to safer places in different locations and civil society leaders fearing for their lives had to go into hiding or leave the country.

There are also concerns about the renewal of registration of CSOs, which is granted on a five-year basis and which allows them among other things, to open organisation bank accounts in the country and receive funding from international donors. Requirements to regularly report on organisational activities is another security concern for registered organisations, as it will be dangerous to share full details about the work they are doing. CSOs are also concerned about longer term funding given the completely different operating environment in the country post-coup.

CRACKDOWN ON POLITICIANS AND LAWMAKERS



Since the junta took control, more than 600 elected lawmakers and officials from the ruling National League for Democracy (NLD) party have been [detained](#) in different parts of the country. According to recent reports, more than three-quarters [remain](#) in detention.

In April 2021, the junta declared the National Unity Government (NUG), a parallel government [formed](#) by the Committee Representing Pyidaungsu Hluttaw (CRPH) – deposed lawmakers, who had been elected in November 2020 – as an “illegal organisation.” In May

2021, the CRPH and NUG were [designated](#) as ‘terrorist groups’. The declaration means that anyone arrested on suspicion of affiliation with the groups would face 10 years to life imprisonment if convicted, according to the country’s Counterterrorism Law.

The ousted de facto leader of Myanmar, Aung San Suu Kyi, has been found [guilty](#) of incitement against the military under Section 505 (b) and for alleged breaches of COVID-19 measures under Section 25 of the Natural Disaster Management Law and for [possessing](#) “illegally imported” walkie-talkies. She faces other politically-motivated charges, including corruption and election fraud, which carry a total potential sentence of more than 100 years in prison.



TORTURE AND ILL-TREATMENT OF POLITICAL PRISONERS



There have been continued reports of torture or ill-treatment of political prisoners by the military junta in various prisons and detention centres and in particular in Insein Prison, one of Myanmar's most notorious jails, situated on the outskirts of Yangon.

In May 2021 it was [reported](#) the political prisoners were tortured during interrogation at the hands of authorities. Many were tortured in military compounds, where fellow inmates also suffered abuse while blindfolded throughout intake interrogations. Prisoners were forced to eat from the concrete floor

with hands cuffed behind their backs. In June 2021, it was reported that 32 young activists who were arrested for opposing the military coup were [tortured](#) during the interrogation process in the Tanintharyi Region. They were made to kneel and were beaten with belts, sticks, metal pipes and chains.

A [report](#) by the Associated Press (AP) in October 2021 found that the junta has been torturing those it has detained in a methodical and systemic way across the country. While most of the torture has occurred inside military compounds, the military has also transformed public facilities such as community halls into makeshift interrogation centres, with multiple military units and police involved in interrogations. The military has taken steps to hide evidence that it has tortured prisoners, with several prisoners saying interrogators brutalised only the parts of their bodies that could be hidden by clothes. Most inmates slept on concrete floors, packed like sardines. Some became sick from drinking dirty water only available from a shared toilet. Cockroaches swarmed over their bodies at night. There was little to no medical treatment.

The All Burma Federation of Student Unions (ABFSU) said in January 2022 that it had evidence that three of its members had been tortured by having bamboo sticks thrust inside their rectums in the notorious Mandalay Palace interrogation centre. All three have been denied treatment for their injuries.

TEACHERS AND HEALTH WORKERS TARGETED



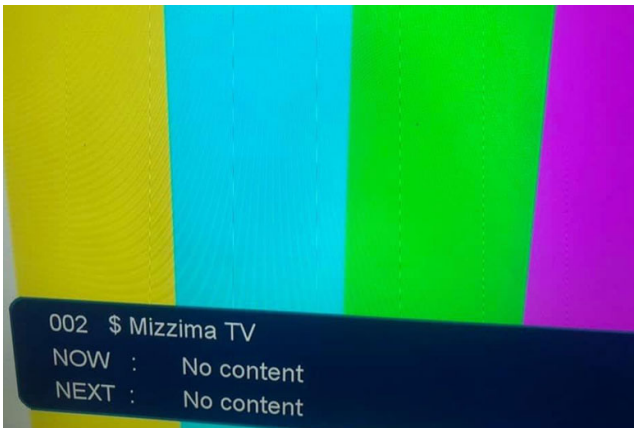
Civil servants in Myanmar have been involved in the civilian disobedience movement from the start and been targeted by the junta for their resistance. In May 2021 it was [reported](#) that more than 125,000 schoolteachers and 19,500 university staff had been suspended by the military junta for joining the movement.

[Health workers](#) have been targeted for participating in the protest movement and for providing medical care to injured civilians. A report by Insecurity Insight, Physicians for Human Rights (PHR) and Johns Hopkins

University Center for Public Health and Human Rights (CPHHR) in August 2021 found that there had been at least 252 attacks and threats against health workers, facilities and transport. 190 health workers were arrested, 37 health workers were injured, and 25 health workers killed. Hospitals were raided at least 86 times and occupied by the junta at least 55 times.



COMMUNICATIONS BLOCKADE



As the military coup was under way in February 2021, internet and phone [outages](#) were imposed in several parts of the country. Data from the internet monitoring service Netblocks shows disruptions on network operators, including state-owned Myanmar Posts and Telecommunications (MPT) and an international operator, Telenor.

Over the year, the junta has attempted to block various forms of communications to interfere with protestors organising and to make it harder for citizens, journalists and human rights activists to broadcast to the rest of the

world what was happening on the ground.

Multiple telecoms companies have been [ordered](#) to shut off various communications services including mobile data, roaming and public wi-fi for varying lengths of time.

In March 2021, the junta [amended](#) the Electronic Transactions Law to prevent the free flow of information and criminalise the dissemination of information through cyberspace, including expression critical of the coup or the acts of the junta. They include provisions that provide criminal penalties for “unauthorised” access to online material and for the creation of “misinformation or disinformation with the intent of causing public panic, loss of trust or social division on cyberspace.”

In May 2021, the junta added a [ban on satellite television](#) to existing restrictions on the internet which appeared to be targeted at independent Burmese language broadcasters such as the Democratic Voice of Burma (DVB) and Mizzima.

Internet users in at least seven townships in the Sagaing and Mandalay regions experienced [limited or no service](#) since 14 September 2021. This came a week after Myanmar’s shadow National Unity Government (NUG) announced the start of a “resistance war” against the regime. On 23 September 2021, the junta cut off mobile internet access and most Wi-Fi services to 11 townships in war-torn areas of Chin State and Magway Region.

RESTRICTIONS AND ATTACKS ON HUMANITARIAN GROUPS

The junta has [continued](#) to shell, conduct air strikes, and raid and torch villages across the country, targeting the resistance movement and Ethnic Armed Organizations (EAO) - which have taken public positions against the coup - and displacing tens of thousands of civilians. According to the UN as of 27 December 2021, an estimated 320,900 people remained [internally displaced](#) across Myanmar due to clashes and insecurity since the coup.

In December 2021, Human Rights Watch reported that the junta had imposed new travel restrictions on humanitarian workers, blocked access roads and aid convoys, destroyed non-military supplies and attacked aid workers. The junta’s interference in relief operations has disregarded calls for unhindered aid delivery by the UN General Assembly, Human Rights Council, and Security Council, the European Parliament, and donor governments.

Two members of Save the Children’s staff were among at least 35 people, including women and children, who were [killed](#) on 24 December 2021 in a brutal attack by the Myanmar military in Kayah State, in the east



of the country.

REGIONAL AND INTERNATIONAL RESPONSE

Human rights groups have continued to criticise ASEAN for its failure to address the human rights violations in Myanmar and for shielding the Myanmar military from international pressure and accountability.

Immediately following the coup, ASEAN was [divided](#) on a collective response. On 24 April 2021, a regional ASEAN summit was held in Jakarta. A [statement](#) released after the summit said ASEAN leaders and foreign ministers had finally reached a consensus on five points. They included asking for an immediate cessation to the violence and the opening of a dialogue between the military and civilian leaders, with the process



overseen by a special ASEAN envoy who would visit with a delegation. The group also offered humanitarian assistance. However, the statement made [no mention](#) of the thousands who have been arbitrarily detained by the military, including activists, peaceful protesters and journalists and offered no timeline for these actions to be taken or an implementing mechanism. The summit also failed to acknowledge the National Unity Government (NUG).

On 4 August 2021, ASEAN finally [appointed](#) Erywan Yusof, the second foreign minister of Brunei

Darussalam, as its special envoy to Myanmar more than 100 days after the Jakarta meeting. Myanmar civil society groups rejected the appointment and expressed “deep disappointment with ASEAN and their lack of inclusive decision-making process”. In an unprecedented move, ASEAN [agreed](#) in October 2021 to bar Myanmar’s military chief Min Aung Hlaing over his failure to implement the five point consensus, and Southeast Asian leaders [voiced disappointment](#) at the Myanmar junta during the first day of their annual meeting. In November 2021, however, Cambodia took over the chairmanship of ASEAN. Expectations of any further positive steps have been low.

In early January 2022, civil society groups [slammed](#) as ‘rogue diplomacy’ the visit of Cambodian Prime Minister Hun Sen, on behalf of Cambodia and as Chair of ASEAN, to Myanmar to meet with the junta representative, General Min Aung Hlaing. They [called](#) on ASEAN to refrain from further actions that will legitimise the junta and to effectively implement the five-point consensus. The visit was conducted without consensus from other ASEAN member states, as leaders were [divided](#) on this matter.

At the international level, the UN Security Council has [called](#) for immediate cessation of violence across Myanmar, and efforts to ensure the safety of civilians. It has failed to impose a global arms embargo on Myanmar as demanded by civil society groups. China and Russia, which hold veto power on the Security Council, as well as neighbouring India, are the major [arms providers](#) to Myanmar. The UN Human Rights Council has also [deplored](#) the removal of the elected government, called for the unconditional release of all those arbitrarily detained and has highlighted the need for accountability.

Canada, the European Union, the United Kingdom, and the United States have [imposed](#) various targeted sanctions against Myanmar’s top military officials and military-controlled companies. However, no governments have imposed [sanctions](#) or other economic blocks on the junta’s oil and natural gas revenues, its single largest source of foreign currency.



RECOMMENDATIONS:

To ASEAN and the international community

- Call upon the military junta to release all individuals arbitrarily detained human rights defenders, journalists, protesters, politicians, civil society members and refrain from the use of excessive force and firearms against protesters
- Urge the military junta to allow unfettered Internet access, including on all mobile phone networks and lift all restrictions on access to media sites, social media platforms and refrain from imposing any further restrictions against use of the internet.
- Raise concerns publicly in multilateral fora including the upcoming Human Rights Council, and renew the Human Rights Council resolution on Myanmar to maintain the crucial UN Special Rapporteur mandate
- Engage with the National Unity Government (NUG) as the legitimate government of Myanmar, including in multilateral fora such as the UN Human Rights Council and General Assembly.
- Urge the Security Council to immediately impose a comprehensive arms embargo on Myanmar and cooperate fully with UN mandates.
- Cooperate with international mechanisms to meaningfully implement the ASEAN five-point consensus and to hold the junta accountable for its crimes
- Take proactive steps in providing humanitarian assistance, particularly in ethnic and ceasefire areas
- Provide material and diplomatic support to civil society, journalists and activists at risk