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Home Office

# **Country Policy and Information Note**

## **Myanmar (Burma): Critics of the military regime**

**Version 5.0**

**June 2023**

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# Executive summary

Updated 6 June 2023

Min Aung Hlaing is leader of the country having taken control in a military coup in February 2021, which ousted the democratically elected government and prime minister Aung San Suu Kyi.

Since the imposition of military rule, harassment and violence against civilians has increased, focusing on those who oppose or are perceived to oppose the regime and in areas where there is armed conflict. Treatment includes violent oppression of peaceful protests, arbitrary arrests of protestors, and family members, property raids and seizures, enforced disappearances and extrajudicial killings. Whether a person is likely to be at risk of persecution from the military state will depend on a person's location in Myanmar, profile, activities and future political behaviour.

The Country Guidance case [TS \(Political opponents –risk\) Burma/Myanmar CG \[2013\]](#) held 'The spectrum of those potentially at risk ranges from those who are (or are perceived to be) actively seeking to overthrow the government to those who are in outspoken and vexing opposition to it. Whether a person needs protection will depend upon past and future political behaviour.' Decision makers should continue to follow the findings in TS, but note the current situation and the low threshold for what the military consider as opposition to their rule.

Those arrested and detained have included members of parliament, leaders, members and supporters of political opposition groups (and their families), members of the Union Election Committee (UEC), government officials, civil servants, teachers, healthcare workers, members of civil society organisations, activists, human rights defenders, lawyers, celebrities, monks, university students, protesters, journalists and social media bloggers or those posting on online platforms such as Facebook in support of opposition groups considered as 'terrorist organisations' by the military regime.

The exact number of political detainees is unknown, but sources indicate an increase of those detained compared to pre-coup numbers, with estimates of around just under 18,000 remaining in detention by May 2023. Those detained can face lengthy prison sentences, including the death penalty, torture, and sexual violence. [TS](#) held that 'Detention in Burma, even for a short period, carries with it a real risk of serious ill-treatment, contrary to Article 3 of the ECHR and amounting to persecution/serious harm...'.

A person is unlikely to be at risk of persecution or serious harm in relation to political activities undertaken in the UK (sur-place) alone. It will depend on their activities and profile in the UK, their past political activities in Myanmar, if they are of an ethnicity that is seen by the government to be de-stabilising the union and their intentions on return. [TS](#) held that 'It is someone's profile in the eyes of the state that is the key to determining risk. The more the person concerned maintains an active political profile in Burma, post-return, the greater the risk of significant monitoring, carrying with it a real risk of detention.'

For those who establish a well-founded fear of persecution from the military state, protection is unavailable and internal relocation is not reasonable.

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# Assessment

## About the assessment

This section considers the evidence relevant to this note – that is information in the [country information](#), refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, **in general**:

- a person is reasonably likely to face a real risk of persecution/serious harm by the state because of their actual or perceived opposition to the military regime.
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

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## 1. Consideration of issues

### 1.1 Credibility

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 In cases where there are doubts surrounding an person’s claimed place of origin, decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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## 1.2 Exclusion

- 1.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

- 1.2.2 Ethnic Armed Organisations (EAOs) operate predominately in the border areas in Myanmar, with some controlling large areas of territory. Most EAOs are currently opposed to the military and have engaged in active violence against the military regime. Other local armed resistance groups exist alongside, and independently of the National Unity Government (NUG) and People's Defense Force (PDF). Both the state-led junta and associated militia, and opposition armed groups have been accused of human rights abuses, including attacks on civilians. Decision makers should consider whether to exclude the person from recognition as a refugee (see [Military response to opposition](#) and [Armed Groups](#).)
- 1.2.3 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 1.2.4 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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## 2. Convention reason(s)

- 2.1.1 Actual or imputed political opinion.
- 2.1.2 Establishing a convention reason is not sufficient to be recognised as a refugee. The question is whether the person has a well-founded fear of persecution on account of an actual or imputed Refugee Convention reason.
- 2.1.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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## 3. Risk

### 3.1 In-Country activities

- 3.1.1 In general, a person is likely to be at real risk of persecution from the military state where they are, or are perceived to be, a threat to the stability of the regime. This will depend on a person's location in Myanmar, profile, activities and intended future political behaviour.
- 3.1.2 If a person's profile and activities are likely to lead to detention, even for a short period, there is a real risk of treatment contrary to Article 3 ECHR.
- 3.1.3 Since the coup in February 2021, there has been an increase in violence against civilians by state forces. However, many hundreds of thousands of people have been involved in protests in Myanmar without consequence. A

person simply taking part in a demonstration is not likely to be at risk for this reason alone. Each case must be considered on its facts and the onus is on the person to demonstrate that they would be at real risk of persecution and/or serious harm on return.

- 3.1.4 The National League for Democracy (NLD) under Aung San Suu Kyi won the 2015 elections and repeated this with a land-slide victory in November 2020. However, discontent from the military-backed opposition over alleged electoral fraud led to a military coup in February 2021. This resulted in the installation of commander-in-chief Min Aung Hlaing as leader of the country and arrest of prime minister Aung San Suu Kyi and NLD leaders. In August 2021, the junta announced military rule would remain in place until scheduled elections in August 2023 (see [Political history](#))
- 3.1.5 In response to military rule, people from a range of backgrounds and professions took part in large scale protests across Myanmar throughout 2021. Sources differ on the scale of the protests from daily figures of 10s to 100s of thousands depending on the location and timing. However, the UN summarised that by March 2021 millions of people had protested across 100s of towns. ACLED recorded over 6,000 anti-coup demonstration events throughout 2021. In 2022, direct action continued but evolved to include civil disobedience, flash mobs, silent strikes and smaller anti-junta protests across the country (See [Protests in 2021 and 2022, Civil Disobedience Movement \(CDM\)](#) and Freedom of speech and media [Legal rights](#)).
- 3.1.6 Military response to opposition includes violent oppression of peaceful protests, arbitrary arrests of protestors and family members, property raids and seizures (particularly of NLD members), and to a lesser extent enforced disappearances and extrajudicial killings. Threats, harassment, violence, and direct attacks occur against those associated with or perceived to support pro-democratic or anti-junta groups, and on civilians in areas where there is conflict between the military and armed groups (see [Military response to opposition](#) and [Armed Groups](#)).
- 3.1.7 The 2008 constitution allows for freedom of speech that is not contrary to laws on public order and security. In February 2021, two weeks after the coup, the regime revised Section 505(a) of the penal code, to criminalise any publication or circulation of comments that 'cause fear' or spread 'false news', a charge used to detain and sentence journalists (see [Freedom of speech and media](#) and [Journalists, writers and media workers](#)).
- 3.1.8 Although the exact number of political detainees is unknown, sources report numbers have been increasing since the coup. In May 2023, the Assistance Association for Political Prisoners (AAPP) provided a figure of just under 17,900 existing political prisoners. Those arrested are often detained without charge, and the majority (around two-thirds according to AAPP) who remain detained in 2023 have not been sentenced. Where politically motivated criminal charges occur, they can include lengthy prison sentences and the death penalty. Since the military coup, the death penalty has been imposed on 154 people. In July 2022, 4 political prisoners were executed for the first time in Myanmar since the 1980s (see [Military response to opposition](#) and [Political prisoners](#)).

- 3.1.9 Sources including the United States Department of State (USSD), Human Rights Watch, AAPP and the UN report that torture and sexual violence occur in detention, particularly against vulnerable groups such as women and LGBTI persons. They can also experience degrading conditions in interrogation centres and prisons (see [Treatment of political prisoners](#) and [Women and LGBTI persons](#).)
- 3.1.10 Persons arrested and detained post-coup include:
- members of parliament – particularly party members of the NLD
  - members of the Union Election Committee (UEC)
  - leaders, members and supporters of political opposition groups, especially NLD, NUG, CRPP or prodemocracy People's Defense Force (PDF) paramilitaries
  - family members of prodemocracy supporters and political groups
  - government officials, civil servants, teachers, and healthcare workers
  - members of civil society organisations, activists, human rights defenders, and lawyers
  - celebrities
  - monks
  - university students
  - protesters (mass and targeted arrests including those suspected of intending to take part in demonstrations)
  - Myanmarese and international journalists
  - social media bloggers or those posting on online platforms such as Facebook in support of opposition groups considered as 'terrorist organisations' by the military regime
- 3.1.11 Those arrested for opposing or perceived to be opposing military rule constitute a wide spectrum of society, which was particularly acute in the immediate aftermath of the coup. Whether a person is likely to be at risk will depend on their location, profile, activities, and future political behaviour. In particular, a person critical of the military regime is likely to be at risk if:
- their activities, connections and networks prior to leaving the country are known to the authorities
  - they are known as someone who can influence others to participate in opposition to the junta and would therefore be likely to be known to the authorities as such
  - they are a journalist critical of the regime, including reporting on the state's reaction to protests
  - they are fleeing an arrest warrant and therefore may be at risk of detention, regardless of length
  - they have family members wanted by the military regime



- 3.1.12 A person is also likely to be at risk where they are of an ethnicity that is seen by the government to be destabilising the country or the person's activity has an ethnic, geo-political or economic regional component, which is regarded by the government as a sensitive issue, including in areas where there is conflict between the military and the People's Defense Force (PDF) paramilitaries or other armed resistance groups (see [Armed Groups](#)).
- 3.1.13 In the Country Guidance case [TS \(Political opponents –risk\) Burma/Myanmar CG \[2013\] UKUT 281 \(IAC\)](#), heard on 11, 12 and 13 March 2013 and promulgated on 25 June 2013, the Upper Tribunal held:
- 'In order to decide whether a person would be at risk of persecution in Burma because of opposition to the current government, it is necessary to assess whether such activity is reasonably likely to lead to a risk of detention. Detention in Burma, even for a short period, carries with it a real risk of serious ill-treatment, contrary to Article 3 of the ECHR and amounting to persecution/serious harm within the meaning of the Qualification Directive.
- 'A person is at real risk of being detained in Burma where the authorities regard him or her to be a threat to the stability of the regime or of the Burmese Union.
- 'The spectrum of those potentially at risk ranges from those who are (or are perceived to be) actively seeking to overthrow the government to those who are in outspoken and vexing opposition to it. Whether a person is in need of protection will depend upon past and future political behaviour. This assessment has to be made against the background of a recently reforming government that carries a legacy of repression and continues to closely monitor those in opposition. The evidence points to a continuing anxiety over the break up of the state and the loss of its power.
- 'The question of risk of ill-treatment will in general turn upon whether a returnee is detained by the authorities at any stage after return...
- 'It is someone's profile in the eyes of the state that is the key to determining risk.
- 'In general, none of the risks identified above is reasonably likely to arise if an individual's international prominence is very high. The evidence shows that the government is keen to avoid adverse publicity resulting from the detention of internationally well-known activists.' (para 83(i)-(iv) and (viii)-(ix)).
- 3.1.14 [TS](#) was promulgated in 2013 under a 'recently reforming government', after Aung San Suu Kyi's 2010 release from house arrest and prior to the November 2020 election results and the military coup. There have been several reports of the arrest and detention of internationally prominent journalists, activists and foreign workers since the 2021 coup. The available country information suggests that the military are less concerned than in 2013 with attracting adverse publicity from the arrest of internationally well-known individuals.
- 3.1.15 The available country information indicates the spectrum of those potentially at risk of persecution as identified in [TS](#) remains. However, since the military coup, the regime is increasingly focused on low level opposition and exhibits

a low tolerance for what it considers as open criticism of its rule and a threat to the state (and its control) (see [Protests in 2021 and 2022](#), [Military response](#), [Freedom of speech and media](#), [Political prisoners](#)).

- 3.1.16 Therefore, decision makers should continue to follow the findings in [TS](#), taking into account recent events as documented in this note, and any additional risk factors identified above.
- 3.1.17 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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## 3.2 Sur place activities

- 3.2.1 In general, a person is unlikely to be able to establish a well-founded fear of persecution or serious harm simply by virtue of participating in sur place political activities in the UK. However, this will additionally depend on the factors outlined at paragraphs 83(v)-(ix) of [TS](#) (outlined below).

- 3.2.2 Each case must be considered on its facts and the onus is on the person to demonstrate that they would be at real risk of persecution and/or serious harm on return.

- 3.2.3 The Country Guidance case [TS](#) held:

‘A person who has a profile of voicing opposition to the government in the United Kingdom through participation in demonstrations or attendance at political meetings will not for this reason alone be of sufficient concern to the Burmese authorities to result in detention immediately upon arrival. This is irrespective of whether the UK activity has been driven by opportunistic or genuinely held views and is regardless of the prominence of the profile in this country.

‘A person who has a profile of voicing opposition to the Burmese government in the United Kingdom can expect to be monitored upon return by the Burmese authorities. The intensity of that monitoring will in general depend upon the extent of opposition activity abroad.

‘Whether there is a real risk that monitoring will lead to detention following return will in each case depend on the Burmese authorities’ view of the information it already possesses coupled with what it receives as the result of any post-arrival monitoring. Their view will be shaped by:

- (i) how active the person had been in the United Kingdom, for example by leading demonstrations or becoming a prominent voice in political meetings.
- (ii) what he/she did before leaving Burma.
- (iii) what that person does on return.
- (iv) the profile of the people he or she mixes with; and
- (v) whether a person is of an ethnicity that is seen by the government to be de-stabilising the union, or if the person’s activity is of a kind that has an ethnic, geo-political or economic regional component, which is regarded by the Burmese government as a sensitive issue [e.g., the situation in conflict areas].

‘It is someone’s profile in the eyes of the state that is the key to determining risk. The more the person concerned maintains an active political profile in Burma, post-return, the greater the risk of significant monitoring, carrying with it a real risk of detention.

‘In general, none of the risks identified above is reasonably likely to arise if an individual’s international prominence is very high. The evidence shows that the government is keen to avoid adverse publicity resulting from the detention of internationally well-known activists’ (paragraphs 83(v)-(ix)).

- 3.2.4 The regime reportedly monitors private electronic communications through online surveillance targeting critics, protesters, and pro-democracy activists in Myanmar. CCTV surveillance, reportedly including facial recognition, exists in 5 cities across Myanmar with reports of further rollout planned (see [Internet and social media](#) and [Surveillance](#))
- 3.2.5 The country information does not suggest a significant change in monitoring ability or interest in sur place activities since [TS](#) was heard. Therefore, decision makers should continue to follow those findings, considering recent events as documented in this note, including that the military are less concerned with attracting adverse publicity from the arrest of internationally well-known individuals (see [Sur place activity](#)).
- 3.2.6 Additional aggravating factors, such as making defamatory remarks against the government or on politically sensitive issues, may mean a person is more likely to be monitored and subsequently detained.
- 3.2.7 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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## **4. Protection**

- 4.1.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to obtain protection from the authorities.
- 4.1.2 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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## **5. Internal relocation**

- 5.1.1 Where the person has a well-founded fear of persecution or serious harm from the state, they are unlikely to be able to relocate to escape that risk.
- 5.1.2 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#).

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## **6. Certification**

- 6.1.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 6.1.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).



# Country information

## About the country information

This contains publicly available or disclosable country of origin information (COI) which has been gathered, collated and analysed in line with the [research methodology](#). It provides the evidence base for the assessment.

The structure and content of this section follow a [terms of reference](#) which sets out the general and specific topics relevant to the scope of this note.

Decision makers must use relevant country information as the evidential basis for decisions.

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This section was updated on 20 April 2023

## 7. Political context

### 7.1 History

7.1.1 From 1962 until 2011, Myanmar was governed by a military junta in a totalitarian dictatorship<sup>1</sup>. After the National League for Democracy (NLD) won the 2015 elections<sup>2</sup>, Aung San Suu Kyi, its leader, formed a government<sup>3</sup>. However, the Tatmadaw (Myanmar Armed Forces) retained significant control under the 2008 constitution, with 25% of seats in Parliament reserved for serving military officers<sup>4,5</sup>.

7.1.2 For more information on Myanmar's history see the BBC's chronology of key events in its [Myanmar profile – Timeline](#)

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### 7.2 2021 military coup and subsequent military rule

7.2.1 Despite the control the military already retained over the government, allegations of electoral fraud by the military-backed opposition party began after the NLD won more than 80% of the vote in the November 2020 elections<sup>6</sup>. On 1 February 2021, it was announced on the army's television station that the leadership of the country had been taken over by commander-in-chief Min Aung Hlaing<sup>7</sup>, who established an 11-member junta to rule under a year-long state of emergency<sup>8</sup>, during which it 'wield[ed] extraordinary powers over the public'<sup>9</sup>. Aung San Suu Kyi, President Win Myint and other leaders of the NLD were arrested<sup>10</sup>.

7.2.2 Since Aung San Suu Kyi's arrest, she has been charged with a number of crimes, which carry combined maximum sentences of more than 100 years

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<sup>1</sup> BBC News, [Myanmar country profile](#), 01 February 2021

<sup>2</sup> BBC News, [Myanmar's coup: Why now – and what's next?](#) 01 February 2021

<sup>3</sup> BBC News, [Myanmar country profile](#), 01 February 2021

<sup>4</sup> BBC News, [Why does military still keep 25% of the seats Myanmar Parliament?](#), 01 February 2016

<sup>5</sup> BBC News, [New Burma constitution published](#), 09 April 2008

<sup>6</sup> BBC News, [Myanmar's coup: Why now – and what's next?](#) 01 February 2021

<sup>7</sup> BBC News, [Myanmar coup: Aung San Suu Kyi detained as military seizes ...](#) 01 February 2021

<sup>8</sup> BBC News, [Myanmar coup: Detained Aung San Suu Kyi faces charges](#), 03 February 2021

<sup>9</sup> Forbes, [Myanmar's Military Guarantees Elections Will Be Held...](#) 16 February 2021

<sup>10</sup> BBC News, [Myanmar coup: Aung San Suu Kyi detained as military seizes ...](#), 01 February 2021

in prison<sup>11</sup>. For full details of the crimes as reported by Reuters see, the article 'Factbox: Legal cases against Myanmar's Aung San Suu Kyi', 10 January 2022<sup>12</sup>

- 7.2.3 The Amnesty International Report '2022/23; The State of the World's Human Rights', (AI report 2023) published 27 March 2023 covering events of 2022 noted 'Former State Counsellor Aung San Suu Kyi was sentenced to 31 years' imprisonment in a series of trials for corruption and other bogus charges, in addition to the two years she was already serving.'<sup>13</sup> Upon declaring himself Prime Minister and Head of a Caretaker Government in August 2021, Min Aung Hlaing announced that military rule would be enforced until August 2023 when an election was promised<sup>14</sup>.
- 7.2.4 In August 2022 Min Aung Hlaing extended the country's state of emergency and noted in his speech that elections could only be held when Myanmar was "stable and peaceful,"<sup>15</sup> Freedom House opined these raised further doubts over the military's commitments to hold swift elections.<sup>16</sup>
- 7.2.5 On the 1 February 2023 the military extended the state of emergency for another six months<sup>17</sup> allowing it responsibility for all government functions, providing Min Aung Hlaing with legislative, judicial and executive powers<sup>18</sup>.
- 7.2.6 The February 2023 report by The Armed Conflict Location & Event Data Project (ACLED) a 'disaggregated data collection, analysis & crisis mapping platform which collects real-time data on the locations, dates, actors, fatalities, and types of all reported political violence and protest events around the world'<sup>19</sup> provided information on the political situation at the beginning of 2023:

'At the start of 2023, the military moved forward with its plans to stage a general election in an attempt to legitimize its rule under the military-drafted 2008 constitution. In anticipation of the elections, the military-backed Union Solidarity and Development Party (USDP) appointed a new leader, Khin Yi, [a former military general and police chief] in October 2022 to carry out coup leader Min Aung Hlaing's agenda.... Under his leadership, the USDP has begun replacing local administrators with party hardliners. Military-backed militias have forced locals to attend meetings where they are made to listen to the military's election propaganda, threatening fines or more violent repercussions for those who do not attend.

'New party registration laws were also released at the end of January. Under the new laws, parties will have to decide whether to run in the elections or risk being deregistered. The... (NLD)... has announced that it will not run in what it considers to be sham elections... In January, the military began compiling voter lists using intimidation and threats of violence... the military

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<sup>11</sup> Reuters, '[Myanmar's Suu Kyi faces six years in jail after new sentences -source](#)', 10 January 2022

<sup>12</sup> Reuters, '[Factbox: Legal cases against Myanmar's Aung San Suu Kyi](#)', 10 January 2022

<sup>13</sup> AI, '[AI report 2023](#)', (Myanmar 2022), 27 March 2023

<sup>14</sup> FH, '[Freedom in the World 2022 – Myanmar](#)', 28 February 2022

<sup>15</sup> FH, '[Freedom in the World 2023: Myanmar](#)', 9 March 2023

<sup>16</sup> FH, '[Freedom in the World 2023: Myanmar](#)', 9 March 2023

<sup>17</sup> World Bank, '[Myanmar](#)' (Overview), 20 April 2023

<sup>18</sup> AP News, '[Myanmar extends state of emergency, delaying expected polls](#)', 1 February 2023

<sup>19</sup> ACLED, '[About](#)', no date

announced on 1 February ... that it was extending the state of emergency ... This move has ensured that the elections will be delayed from the originally-anticipated August [2023] date. With 37 townships across the country subsequently placed under martial law...'<sup>20</sup>

- 7.2.7 The 9 March 2023 UN Report of the Special Rapporteur on the situation of human rights in Myanmar, provided to the Human Rights Council noted:

'...it is impossible to hold genuine elections when opposition leaders are imprisoned, in hiding, exiled, or dead, when journalistic work is criminalized, and when anyone can be arrested merely for expressing political opinions...It is abundantly clear that the SAC lacks the constitutional or democratic legitimacy to oversee elections and further does not have the administrative capacity to carry them out....

'On 26 January 2023, the SAC established the Political Parties Registration Law, which appears designed to eradicate the National League for Democracy, hobble ethnic political parties, and ensure that military-appointed MPs and military-backed parties can together form the next government... The National Unity Government, People's Defense Forces, National Unity Consultative Council, and many ethnic-based organizations have been declared unlawful and labeled as terrorists by the SAC. The National League for Democracy and many other parties have declared that they will not register under the law or participate in these "elections".'<sup>21</sup>

- 7.2.8 For an overview of Myanmar's recent history, including the 2021 military coup, see the BBC's chronology of key events in its [Myanmar profile – Timeline](#) and [Reuters Timeline: Myanmar's year of turmoil](#).

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This section was updated on 20 April 2023

## 8. Protests in 2021 and 2022

### 8.1 Size and number of events

- 8.1.1 A number of sources reported on the scale and extent of protests throughout Myanmar immediately following the February 2021 coup. For example, the BBC noted that a military-ordered internet blockage 'failed to stop large nationwide protests on Saturday [6 February 2021]'<sup>22</sup> and that 'Sunday [7 February 2021] saw the country's largest protests since the so-called Saffron Revolution in 2007'<sup>23</sup>, which saw 'widespread anti-government protests that were sparked by fuel price hikes and named after the saffron-colored robes worn by participating Buddhist monks.'<sup>24</sup>
- 8.1.2 On 7 February 2021, an article on Voice of America reported that 'An internal note for U.N. staff estimated that 1,000 people joined a protest in Naypyidaw while there were 60,000 in Yangon alone. Protests were reported in the second city of Mandalay and many towns and even villages across the

<sup>20</sup> ACLED, '[Myanmar: Continued Opposition...](#)' 8 February 2023

<sup>21</sup> OHCHR, '[Situation of human rights in Myanmar](#)' (paragraph 33-35), 9 March 2023

<sup>22</sup> BBC, '[Myanmar coup: Tens of thousands join largest protests since 2007](#)', 7 February 2021

<sup>23</sup> BBC, '[Myanmar coup: Tens of thousands join largest protests since 2007](#)', 7 February 2021

<sup>24</sup> CFR, '[Myanmar's Troubled History: Coups, Military Rule and Ethnic...](#)', 31 January 2022

country'.<sup>25</sup>

- 8.1.3 On 11 February 2021, the Associated Press reported that 'tens of thousands of protesters have marched daily in Yangon and Mandalay, the country's biggest cities — and the demonstrations have spread throughout the country, showing depth of the resistance.'<sup>26</sup>
- 8.1.4 A subsequent Guardian article of 17 February 2021 put the count at 'more than a hundred thousand'<sup>27</sup> who had protested across the country since 1 February. The Irrawaddy reported on 21 February 2021 that the figure was 'hundreds of thousands'<sup>28</sup>.
- 8.1.5 On Sunday 21 February 2021, Myanmar Now tweeted that 'hundreds of thousands of [Mandalay's] residents' were protesting on Sunday, despite the killing of two protestors the previous day<sup>29</sup>.
- 8.1.6 The UN Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, reported in March 2021 that in the aftermath of the coup and despite the 'junta's threats... millions have demonstrated in hundreds of townships opposing military rule.'<sup>30</sup>
- 8.1.7 According to a report by ACLED published in the first half of 2022 'Demonstrations in opposition to the military coup in 2021 were large-scale and widespread. ACLED records over 6,000 anti-coup demonstration events throughout the year.'<sup>31</sup>
- 8.1.8 Amnesty International, following interviews with 17 people from protest groups across 5 of Myanmar's states and regions, reported in an article dated 22 April 2022 that:
- '...Towards the end of last year, there was a noticeable fall in the number of people who joined protests in the streets...[One] of the leaders of a women's protest group, said:
- "We went from tens of thousands to thousands, thousands to hundreds, and hundreds to around 20."According to some of the activists Amnesty spoke to, this drop in numbers was part of a deliberate strategy to keep everyone safe by protesting in smaller groups...'
- 'In Sagaing region's Salingyi and Yinmarbin townships, poet and engineer Yar Zar [said] ...'To avoid encountering soldiers [during protests] , he and his team carefully prepare routes along narrow, unpaved streets. He is one of several people who told Amnesty that they also rely on volunteers to check and make sure the route is clear before they demonstrate.'<sup>32</sup>
- 8.1.9 ACLED in its mid-year 2022 update noted 'Resistance to the military coup in Myanmar continued through the first half of 2022. With much of the country

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<sup>25</sup> VOA, '[Protests Sweep Myanmar to Oppose Coup, Support Suu Kyi](#)', 7 February 2021

<sup>26</sup> AP, '[Ethnic minorities protest Myanmar coup, as opposition grows](#)', 11 February 2021

<sup>27</sup> The Guardian, '[Myanmar: more than 100,000 protest in streets against coup](#)', 17 February 2021

<sup>28</sup> The Irrawaddy, '[Four Dead, More Than 100 Wounded ...](#)', 21 February 2021

<sup>29</sup> Myanmar Now (@Myanmar\_Now\_Eng on Twitter.com), '[Tweet dated 07:57 UK Time, 21 Feb 2021](#)'

<sup>30</sup> UN, '[Report of the Special Rapporteur on the situation of human rights ...](#)', (para. 5), 4 March 2021

<sup>31</sup> ACLED, '[Myanmar: Continued resistance against the military coup](#)', no date

<sup>32</sup> AI, '[Myanmar: Activists continue peaceful protests in face of the regime's brutality](#)' 22 April 2022

in active revolt against the takeover...'<sup>33</sup>

- 8.1.10 The same ACLED source further noted 'Unarmed resistance to the military dictatorship...persisted in 2022. Despite great personal risk to participants, demonstrations against the coup have continued, though at a lower level than last year. Still, in some locations, demonstrators have gathered daily to show their objection to the coup...In cities like Yangon, demonstrators continue to gather and quickly disperse to avoid being targeted.'<sup>34</sup>

(See also [Internet and social media](#) and [Military response to opposition](#)).

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## 8.2 Protest symbols in 2021

- 8.2.1 The protests against the military coup were symbolised by a number of actions and features in February 2021. These included people wearing red-coloured shirts and ribbons waving red flags and balloons, the colour red of Aung San Suu Kyi's NLD party<sup>35 36 37</sup>
- 8.2.2 Another action reported was to raise 3 fingers as a sign of rebellion against the military coup. Sources indicated this was based on the symbol of dissent from 'The Hunger Games' books and films<sup>38 39</sup>. The Indian Express explained '...[it] was first used by medical workers in Myanmar protesting against the coup. It was then adopted by youth protesters, and subsequently was seen at the massive protests in Yangon on Monday, a week after the forceful takeover.'<sup>40</sup>
- 8.2.3 A further symbol of the protests was outlined in a Guardian article of 17 February 2021, which explained how 'Major junctions were blocked by a "broken down" rally, where drivers left their cars parked across the roads, with bonnets open, and by sit-down protests.'<sup>41</sup>

See also [Size and number of events](#)

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## 8.3 Nature of protests in 2022

- 8.3.1 The protests against the military coup are reported to have continued into 2022 and evolved in nature. On the one-year anniversary of the military coup, protests against the junta continued. The Guardian reported, on 31 January 2022, that: 'The military... continues to face defiant opposition including peaceful protests and an armed resistance.'<sup>42</sup>
- 8.3.2 The Guardian and Amnesty International noted the use of 'silent strikes'

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<sup>33</sup> ACLED, '[Myanmar: Continued resistance against the military coup](#)', no date

<sup>34</sup> ACLED, '[Myanmar: Continued resistance against the military coup](#)', no date

<sup>35</sup> VOA, '[Protests Sweep Myanmar to Oppose Coup, Support Suu Kyi](#)', 7 February 2021

<sup>36</sup> Reuters, '[Timeline: The week since Myanmar's coup](#)', updated 7 February 2021

<sup>37</sup> Joyce Karam (@Joyce\_Karam on Twitter.com), '[Tweet dated 15:18 UK Time, 7 Feb 2021](#)'

<sup>38</sup> Art Review, '[Beaten Pots, Three Finger Salutes and Car Horns: The Art of ...](#)', 17 February 2021

<sup>39</sup> Indian Express, '[Explained: What the 'three-finger salute' seen at Myanmar ...](#)', 15 February 2021

<sup>40</sup> Indian Express, '[Explained: What the 'three-finger salute' seen at Myanmar ...](#)', 15 February 2021

<sup>41</sup> The Guardian, '[Myanmar: more than 100,000 protest in streets against coup](#)', 17 February 2021

<sup>42</sup> The Guardian, '[Myanmar's junta struggles to prevent protests planned for ...](#)', 31 January 2022



(closure of roads, shops and businesses)<sup>43,44</sup>. The Guardian noted that 'Some shop owners who had told customers that their businesses will be closed on 1 February have already been arrested, according to local media outlet the Irrawaddy.'<sup>45</sup>

8.3.3 Amnesty International reported on 22 April 2022 that to avoid being arrested or shot, protests across the country also included flash mobs, the distribution of leaflets, anti-military messages spray painted on walls and boycotts of goods and services that had ties to the military<sup>46</sup>.

8.3.4 The April 2022 article by Malay Mail, a Malaysia-based online news source<sup>47</sup>, reported 'silence and boycotts' of the Thingyan water festival which traditionally saw crowds engage in large-scale street water fights. The source noted in Yangon:

'...thoroughfares in central Yangon were quiet today, with no sign of the usually disruptive festivities, AFP [Agence France-Presse] correspondents said. There was a heavy security presence leading to Yangon's Sule Pagoda, with barricades barring the way to a stage where celebrities performed traditional songs and choreographed dancers swayed as part of a junta-sponsored programme.

'State TV footage also showed singers and musicians performing traditional Thingyan songs in the second city of Mandalay...Meanwhile, local media images showed small anti-junta protests from across the country, with some activists holding banners calling for a boycott of festivities.'<sup>48</sup>

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## 8.4 Five-Point Consensus (5PC)

8.4.1 HRW noted in an article dated 22 April 2022: 'At a summit in Jakarta on April 24, 2021, the nine ASEAN leaders and Myanmar junta chief, Sr. Gen. Min Aung Hlaing, agreed to five points: an immediate end to violence in the country; dialogue among all parties; the appointment of a special envoy; humanitarian assistance by ASEAN; and the special envoy's visit to Myanmar to meet with all parties.'<sup>49</sup>

8.4.2 An article of 7 May 2022 by The Star, with regard to the progress of the 5PC, noted:

'An unofficial meeting involving all foreign ministers of Asean member countries will convene on Wednesday (May 11) to ensure the Five-Point Consensus (5PC) aimed at addressing the instability in Myanmar can be implemented properly, says Datuk Seri Saifuddin Abdullah. 'The Foreign Minister said that the unofficial meeting was called after tepid progress of the 5PC in 2021 as the Myanmar government's conduct was uncooperative.

'He said, for example, Myanmar had yet to recognise the United Nations

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<sup>43</sup> AI, '[Myanmar: Activists continue peaceful protests in face of the regime's brutality](#)' 22 April 2022

<sup>44</sup> AI, '[Myanmar: Activists continue peaceful protests in face of the regime's brutality](#)' 22 April 2022

<sup>45</sup> The Guardian, '[Myanmar's junta struggles to prevent protests planned for ...](#)', 31 January 2022

<sup>46</sup> AI, '[Myanmar: Activists continue peaceful protests in face of the regime's brutality](#)' 22 April 2022

<sup>47</sup> Malay Mail, '[About us](#)', no date

<sup>48</sup> Malay Mail, '[Dry streets as Myanmar boycotts water festival to protest junta](#)', 13 April 2022

<sup>49</sup> HRW, '[Myanmar: ASEAN's Failed '5-Point Consensus'](#)' a Year On, 22 April 2022

secretary-general's special envoy on Myanmar Dr Noeleen Heyzer, who was appointed in December 2021...

'The 5PC was adopted by Asean leaders, including the Myanmar junta leader, in an attempt to bring an end to the violence and instability in the country...Saifuddin said the junta have been uncooperative since its power grab last February." They have been isolating themselves and they don't seem to be very cooperative in the past year.'"We didn't say this last year. This is something we say after a year that there's almost no progress of the 5PC...'50

- 8.4.3 The ASEAN Leaders' review of the 5PC in November 2022 noted '...little progress [has been] achieved in the implementation of the Five-Point Consensus, it is therefore incumbent on the Myanmar Armed Forces to comply with its commitments to the ASEAN Leaders.'<sup>51</sup>
- 8.4.4 A blog post on the Council on Foreign Relations dated 29 August 2022 opined 'ASEAN has been paralyzed since the coup—consumed with in-fighting, offering weak responses to the junta, demonstrating an inability to shift messages, and an unwillingness to truly confront the brutality of Naypyidaw.'<sup>52</sup>
- 8.4.5 Radio Free Asia (RFA), in a report by Zachary Abuza, professor at the National War College in Washington and an adjunct at Georgetown University dated 29 April 2023 opined '...Two years ago this week, ASEAN negotiated a five-point consensus with the Burmese military that had seized power in a February 2021 coup and arrested many leaders of Myanmar's elected government... The Burmese junta has since steadfastly ignored the consensus and waged a multi-front war against Myanmar's civilian population'<sup>53</sup>

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This section was updated on 20 April 2023

## 9. Political groups / civil movements

### 9.1 Legal context

- 9.1.1 Freedom House's 'Freedom in the World' report 2023 (FH report 2023), focusing on political rights and civil liberties in Myanmar noted 'The constitution contains a requirement that political parties be loyal to the state, which carries the potential for abuse. Laws allow penalties, including deregistration, for political parties that accept support from foreign governments or religious bodies, or that are deemed to have abused religion for political purposes or disrespected the constitution.'<sup>54</sup>T
- 9.1.2 The CIA World Factbook noted:  
  
'...in January 2023, the military junta announced a new law restricting political parties and their ability to participate in elections, including:

<sup>50</sup> The Star, '[Asean foreign ministers meeting to discuss Myanmar 5PC issue](#)', 8 May 2022

<sup>51</sup> ASEAN, '[Asean leaders' review](#)', 11 November 2022

<sup>52</sup> CRF, '[ASEAN's Complete Failure on Myanmar](#)', 29 August 2022

<sup>53</sup> RFA, '[Myanmar, neighbours including Thailand...](#)', 29 April 2023

<sup>54</sup> FH, '[Freedom in the World 2023: Myanmar](#)' (B1), 9 March 2023



'1) barring parties and candidates deemed by the junta to have links to individuals or organizations alleged to have committed terrorism or other unlawful acts;

'2) stipulating that political parties that wanted to contest the national election would also need to secure at least 100,000 members within 90 days of registration and have funds of 100 million Myanmar kyat (\$45,500), 100 times more than previously required, which would need to be deposited with a state-owned bank;

'3) requiring that any existing party must apply for registration within 60 days of the legislation being announced or be invalidated; allowing for parties to be suspended for 3 years, and ultimately dissolved, for failing to comply with the provisions of the new law;

'4) not allowing parties to lodge an appeal against election commission decisions on registration

'in March 2023, the military junta announced that 40 political parties had been dissolved, including the National League for Democracy, because they did not register under the junta's new party establishment rules.'<sup>55</sup>

- 9.1.3 For a list of Political parties and leaders up to 18 April 2023 see [CIA World Factbook](#)

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## 9.2 Civil Disobedience Movement (CDM)

- 9.2.1 According to Progressive Voice Myanmar, 'a participatory rights-based policy research and advocacy organisation rooted in civil society'<sup>56</sup>, following the announcement of the military coup, healthcare workers at the Mandalay General Hospital announced online that they refused to work for the junta, and as such an online Civil Disobedience Movement began, before expanding into a larger movement when wider civil servants also boycotted the military regime<sup>57</sup>.

- 9.2.2 The same source noted '...civil service personnel are a major part of CDM... Myanmar's private sector has also joined CDM in various ways and in large numbers... [including in]... boycotts and campaigns to cripple state revenues..' <sup>58</sup>.

- 9.2.3 Freedom House noted estimations by the National Unity Government (NUG) were that approximately 200,000 out of a total of 450,000 teachers had joined the CDM following the coup<sup>59</sup>. The same report noted 'By June 2021, thousands of civil servants and private sector employees had been fired for their participation in the widespread CDM.'<sup>60</sup>

- 9.2.4 The Action on Armed Violence (AOAV), a UK based charity who conducts research and advocacy on the incidence and impact of global armed

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<sup>55</sup> CIA, '[World Factbook Burma](#)' (Government), 18 April 2023

<sup>56</sup> PVM, '[About](#)', no date

<sup>57</sup> PVM, '[Myanmar's Civil Disobedience Movement](#)', 17 September 2021

<sup>58</sup> PVM, '[Myanmar's Civil Disobedience Movement](#)', 17 September 2021

<sup>59</sup> FH, '[Freedom in the World 2023: Myanmar](#)' (D3), 9 March 2023

<sup>60</sup> FH, '[Freedom in the World 2023: Myanmar](#)' (E3), 9 March 2023

violence, in its February 2022 report noted:

‘As well as taking up arms, communities are resisting in a wide variety of ways: refusing to pay electricity bills, thereby cutting off income to a state-backed power company; shunning companies aligned with the junta; boycotting companies and institutions that violate human rights; ignoring orders issued by the junta, such as wearing masks near where soldiers are stationed; and continuing to stage flash mobs despite the risk of violent reprisals. Public services are at a near standstill, as across the country teachers and medical workers are refusing to work in junta controlled facilities, choosing to operate in their own informal networks instead.’<sup>61</sup>

9.2.5 A 9 May 2022 article by the Irrawaddy noted ‘Sixteen resistance groups from Salingyi and neighboring Yinmarbin in April [2022] warned the [copper] mines to halt operations and called on miners to down tools and join the civil disobedience movement (CDM) by May 5. Following the warning, the regime has increased security at the mines and imposed tighter restrictions on residents...’<sup>62</sup>

9.2.6 The Diplomat, in its April 2023 article reported ‘Peaceful protests, including the Civil Disobedience Movement (CDM), continue but have lost steam and have been relegated to the back seat of the anti-junta struggle.’<sup>63</sup>

(See also [National Unity Government \(NUG\)](#))

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### 9.3 National Unity Government (NUG)

9.3.1 The UNSR report 2021 noted that, following the formation of the CDM: ‘...members of parliament who had been elected in the November [2020] national elections but prevented from taking their oath of office by the junta established the Committee Representing Pyidaungsu Hluttaw [CRPH]. From the Committee emerged the broader and more inclusive National Unity Government [NUG] in April [2021], to provide leadership, build international support and serve as the legitimate representatives of the people of Myanmar.’<sup>64</sup>

9.3.2 The UNSR report 2021 noted that on 14 March 2021, the NUG announced that citizens of Myanmar ‘had the right to self-defence in the face of junta attacks, and on 5 May, it announced the creation of the People’s Defense Force.’<sup>65</sup> The same report noted that an estimated 2,000 police and military personnel have defected and joined the Civil Disobedience Movement and/or People’s Defense Force<sup>66</sup>, and that the NUG ‘...is actively working to support CDM and tackle the many issues facing post-coup Myanmar.’<sup>67</sup>

9.3.3 In an article by Modern Diplomacy, ‘an invaluable platform for assessing and evaluating complex international issues that are often outside the boundaries

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<sup>61</sup> AOAV, ‘[Myanmar Conflict Briefing](#)’, 1 February 2022

<sup>62</sup> The Irrawaddy, ‘[Chinese Mining Giant Wanbao Fears Myanmar Resistance Attacks](#)’, 9 May 2022

<sup>63</sup> The Diplomat, ‘[2 Years of Turmoil: Myanmar’s Spiraling Civil War](#)’, 6 April 2023

<sup>64</sup> UN, ‘[Report of the Special Rapporteur on the situation of human ...](#)’ (page 18), 2 September 2021

<sup>65</sup> UN, ‘[Report of the Special Rapporteur on the situation of human ...](#)’ (page 18), 2 September 2021

<sup>66</sup> UN, ‘[Report of the Special Rapporteur on the situation of human ...](#)’ (page 17), 2 September 2021

<sup>67</sup> UN, ‘[Report of the Special Rapporteur on the situation of human ...](#)’ (page 17), 2 September 2021

of mainstream Western media and academia'<sup>68</sup>, when reviewing the newly formed NUG, noted in May 2021 that:

'The NUG includes a president, state counsellor, vice president, prime minister and 11 ministers for 12 ministries. There are also 12 deputy ministers appointed by the CRPH. Of the 26 total cabinet members, 13 belong to ethnic nationalities, and eight are women. In the new government, Mahn Win Khaing Than, an ethnic Karen and former House Speaker under the NLD government, is the country's prime minister, while President U Win Myint and State Counselor Daw Aung San Suu Kyi retain their positions. The vice president is Duwa Lashi La, the president of the Kachin National Consultative Assembly.

'It has unveiled a 20-page Federal Democracy Charter... The goal of the NUG is to establish an alternative government – a sort of internal government-in-exile – that can compete with the junta for international recognition and spearhead what is likely to be a long campaign to defeat it. The NUG is aimed at uniting anti-coup groups, ethnic armed organizations, and other opponents of the junta. It has pledged the "eradication of dictatorship" and the creation of an inclusive federal democracy "where all citizens can live peacefully".'<sup>69</sup>

For more detail on the Federal Democracy Charter and the NUG see the [Modern Diplomacy article](#).

- 9.3.4 The AOA February 2022 report noted 'The NUG, a shadow government representing the elected lawmakers of 2020, enjoys strong popular support from the majority Burman population and some of the country's EAOs. It has taken on a wide range of government functions, including attempting to build political and military alliances with EAOs, repealing the unpopular 2008 constitution, and announcing plans for a federal charter.'<sup>70</sup>
- 9.3.5 The Diplomat, an international current-affairs magazine, in its 6 September 2022 article noted: 'The NUG now controls significant territory, commands the loyalty of the overwhelming majority of its people, and provides security and justice in the areas under its control... "controls territory" ...[means] that it effectively governs this territory, polices it, and has the cooperation of its residents, not that they can keep the military out when its personnel move in with overwhelming force.'<sup>71</sup>
- 9.3.6 ACLED reported in February 2023 'In areas controlled by the resistance, they have developed governance systems to address the needs of the population. The NUG has established People's Administration Teams (Pa Ah Pha) to carry out government functions in areas under its control'.<sup>72</sup>
- 9.3.7 The FH report 2023 noted:

'Shortly after the NUG was formed, Myanmar's military leadership classified the NUG, its armed People's Defense Forces (PDFs), and the CRPH as terrorist organizations, which could result in prosecution and detention for

<sup>68</sup> Modern Diplomacy, '[About MD](#)', no date

<sup>69</sup> Modern Diplomacy, '[The National Unity Government in Myanmar: Role...](#)', 11 May 2021

<sup>70</sup> AOA, '[Myanmar Conflict Briefing](#)', 1 February 2022

<sup>71</sup> The Diplomat, '[Is Myanmar's National Unity Government Ready to Govern?](#)', 6 September 2022

<sup>72</sup> ACLED, '[Myanmar: Continued Opposition...](#)' 8 February 2023

anyone who communicates with the groups' members. In partnership with ethnic organizations and newer local-level structures, it engaged in a broader range of service delivery and revenue collection in 2022, though financial and logistical limitations remain.<sup>73</sup>

- 9.3.8 The USSD report 2022 noted 'The regime maintained its designation of the NUG and other prodemocracy groups as terrorist organizations. According to the law, anyone associated with these groups could face 10 years to life in prison, although no one had been put on trial as of year's end.'<sup>74</sup>
- 9.3.9 The AI report 2023 published 27 March 2023 'The National Unity Government, formed in 2021 by representatives of the deposed National League for Democracy (NLD)-led government, ethnic armed organizations and civil society continued their opposition to military rule.'<sup>75</sup>

See also [Armed Groups](#)

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This section was updated on 27 March 2023

## 10. Armed Groups

### 10.1 Ethnic Armed Organisations (EAOs)

- 10.1.1 An April 2021 article by Foreign Policy, an American magazine focusing on global politics and economics<sup>76</sup>, focused on the presence of EAOs in Myanmar:

'Since independence, Myanmar has been troubled by ongoing violence between Myanmar's ethnic minorities and the majority Buddhist Bamar. The country's various ethnic minority groups—together representing about a third of the population—have been sidelined, resulting in roughly 20 EAOs that have waged sporadic insurgencies. ... the EAOs are a variety of rebel groups that range in size from small forces numbering in the hundreds to ... several thousand well-armed fighters. Most EAOs purport to represent specific ethnic groups from which they draw recruits, but reports of forced conscription and the deployment of child soldiers are common. Largely located in Myanmar's rugged, ethnic minority-dominated frontier states, some rule over de facto autonomous zones without central government interference and are predominantly funded by drug trafficking...'<sup>77</sup>

- 10.1.2 The April 2021 article by Foreign Policy noted:

'The recent coup fundamentally disrupted [the]... status quo. The Tatmadaw quickly moved to reassure the ethnic minorities, presumably worried about its forces being stretched thin. ...the Tatmadaw...[delisted] the Arakan Army, a prominent EAO, as a terrorist organization and organizing peacemaking committees....

'Two ethnic minority political parties, the Arakan National Party and Mon Unity Party, have sided with—or, at least, acquiesced to—the military

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<sup>73</sup> FH, '[Freedom in the World 2023: Myanmar](#)' (C1), 9 March 2023

<sup>74</sup> USSD, '[Human rights report 2022](#)' (section 2A), 20 March 2023

<sup>75</sup> AI, '[AI report 2023](#)', (Myanmar 2022), 27 March 2023

<sup>76</sup> FP, '[About us](#)', no date

<sup>77</sup> FP, '[Myanmar Is on the Precipice of Civil War](#)', 8 April 2021

takeover...The vice chairman of the Kayah State Democratic Party joined the regime, but party leadership subsequently expelled him.

‘... the KNU—an NCA signatory—offered asylum to fleeing NLD politicians, initiated military operations against the Tatmadaw, and seized a checkpoint along the border with China. In response, the Tatmadaw launched airstrikes. In the north, the KIA attacked Tatmadaw and police targets. Meanwhile, the Arakan Army, TNLA, and MNDAA put out a joint statement that, if the military continues its crackdown, they may side with the protesters....’<sup>78</sup>

#### 10.1.3 The AOA February 2022 report noted

‘...armed groups, called ethnic armed organisations (EOs), acted both for and against the state [since the 1948 independence] , which has been known to offer resources or autonomy in exchange for serving its interests in Myanmar’s border areas, and allied themselves with, or acted against, groups representing rival ethnicities. The insecurity this environment generated only encouraged the creation of more and more armed groups, a phenomenon that has occurred repeatedly throughout Myanmar’s modern history. This evolved into an almost constant state of disparate armed struggles throughout Myanmar over autonomy, ethnic identity, drugs, and natural resources, pitching EOs against each other and against the military government.

‘An estimated one-third of Myanmar’s territory – mostly the border regions – is controlled by around 20 EOs. Key groups include the United Wa State Army, the Karen National Union, the Kachin Independence Army, the Arakan Army, the Ta’ang National Liberation Army and the Myanmar Nationalities Democratic Alliance Army.’<sup>79</sup>

#### 10.1.4 In a Human Rights Council statement of 21 March 2022, it was noted that ‘... Pre-existing armed conflicts in multiple ethnic states have been inflamed by the systematic use of brutal methods by security forces.’<sup>80</sup>

#### 10.1.5 ACLED reported in the first half of 2022, in its overview of the conflict in Myanmar that:

‘The response of ethnic armed groups to the military coup has been mixed. Notably, though, groups like the Kachin Independence Organization/Kachin Independence Army (KIO/KIA) and Karen National Union/Karen National Liberation Army (KNU/KNLA) have supported anti-coup activists who fled to their areas along the border. Battles in Kachin and Kayah states, which had been relatively limited in 2020, thus increased significantly in 2021. At times, troops from these groups have fought alongside local defense forces. For example, clashes between the military and the KIO/KIA have expanded into Sagaing region as the KIO/KIA has supported local defense groups. Sagaing region has been home to over one-fifth of all organized political violence recorded nationally since the coup.’<sup>81</sup>

#### 10.1.6 ACLED reported in its update covering events up to mid-2022 that:

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<sup>78</sup> FP, ‘[Myanmar Is on the Precipice of Civil War](#)’, 8 April 2021

<sup>79</sup> AOA, ‘[Myanmar Conflict Briefing](#)’, 1 February 2022

<sup>80</sup> OHCHR, ‘[Interactive dialogue on the situation of human rights in Myanmar](#)’, 21 March 2022

<sup>81</sup> ACLED, ‘[Myanmar: Continued resistance against the military coup](#)’, no date



‘...in Rakhine state, tensions between the military and the United League of Arakan/Arakan Army (ULA/AA) have been increasing, as the ULA/AA has consolidated its control over parts of the state. A series of retaliatory arrests and abductions were reported throughout June and July, while the military held naval drills off the coast of Rakhine state in early July ... Although an informal ceasefire in place since shortly after the November 2020 election has largely been upheld, clashes have still been reported this year. On 4 July, a ULA/AA base in Kayin state was bombed by the military, resulting in the deaths of six ULA/AA members .... The ULA/AA retaliated by carrying out attacks on the military in Maungdaw township in Rakhine state (Development Media Group, 27 July 2022). It remains to be seen whether further escalation in the conflict between the two groups will ensue.’<sup>82</sup>

10.1.7 In its February 2023 post, ACLED noted:

‘...the NUG and allied ethnic resistance groups, which have long been in conflict with the military in the country’s borderlands, have established coordination committees to allow for greater cooperation and delineation of responsibilities. While the military has attempted to split key ethnic resistance groups from the wider anti-coup movement, they have not been successful. Further, recent statements from groups previously not considered to be fully on board with the anti-coup movement suggest that their sentiments are shifting in favor of the movement as well.’<sup>83</sup>

10.1.8 The AI report 2023 noted ‘Military operations in Kayin and Kayah states against ethnic armed organizations and other armed groups in early 2022 took the form of collective punishment against Karen and Karenni civilians resulting in hundreds of deaths and the displacement of more than 150,000 people by March.’<sup>84</sup>

10.1.9 For more information on the situations of EAOs in Myanmar see [the report by Yusof Ishak Institute](#) (ISEAS) published in June 2021<sup>85</sup>

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## 10.2 Post-coup armed resistance groups

10.2.1 The AOAV February 2022 report noted ‘Since the 2021 coup, grassroots defence forces have been springing up throughout the country to oppose the junta. Many of these groups operate at the local level, and are not all affiliated with the NUG or the PDF. Some associate themselves with local EAOs, and more still operate autonomously and in isolation.’<sup>86</sup>

10.2.2 ACLED in its mid-year 2022 update noted:

‘... fighting between the military and armed resistance groups that emerged after the coup has intensified in 2022. There are indications that groups are organizing beyond the village level, with smaller groups joining together to operate at the township and district level. Alliances continue to be formed between local groups as well, with many battles involving more than one

<sup>82</sup> ACLED, ‘[Myanmar: Continued resistance against the military coup](#)’, no date

<sup>83</sup> ACLED, ‘[Myanmar: Continued Opposition...](#)’ 8 February 2023

<sup>84</sup> AI, ‘[AI report 2023](#)’, (Myanmar 2022), 27 March 2023

<sup>85</sup> ISEAS, ‘[2021/79 “Ethnic Armed Organisations in Post-Coup Myanmar: New ...”](#)’, 11 June 2021

<sup>86</sup> AOAV, ‘[Myanmar Conflict Briefing](#)’, 1 February 2022



resistance group’<sup>87</sup>

10.2.3 The April 2022 article by Malay Mail noted ‘As junta-sponsored celebrations took place, fighting between the military and opponents of the coup was reported across Myanmar....In northern Sagaing state, media reported junta troops had on Tuesday overrun a post held by a local “People’s Defence Force”, a civilian militia that has sprung up to fight the military.’<sup>88</sup>

10.2.4 The Diplomat, in its April 2023 article reported ‘Arrayed against the regime are hundreds of grassroots-level armed groups, including the People’s Defense Forces (PDFs) nominally led by the parallel National Unity Government (NUG) with collaboration from a number of ethnic armed organizations (EAOs) that have long fought against successive central governments.’<sup>89</sup>

10.2.5 ACLED reported in February 2023

‘...armed resistance forces that emerged after the coup have moved forward with strengthening alliances amongst themselves and with long-established ethnic resistance groups, engaging the military in battles across the country... resistance forces continued to battle the military throughout 2022. Outside of Ukraine, the highest number of battles globally were recorded in Myanmar in 2022. While the dry zone in the central part of the country continued to see higher levels of fighting than other parts of Myanmar, battles were reported in every state and region, leading to a nearly 67% increase in battles reported in 2022 compared to 2021. Since the coup, many resistance groups that initially emerged to defend their communities in the wake of the military’s crackdown on peaceful protests have consolidated behind the National Unity Government (NUG).’<sup>90</sup>

See also [National Unity Government \(NUG\)](#) and [Ethnic Armed Organisations \(EAOs\)](#)

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This section was updated on 2 May 2023

## 11. Military response to opposition

### 11.1 Protestors and activists

11.1.1 The UNSR report 2021 highlighted the prevalence of protesters shot on a variety of occasions<sup>91</sup>, including at the 27 March 2021 Armed Forces Day celebration<sup>92</sup>, where bystanders and 10 children were shot:

‘In the lead-up to the 2021 Armed Forces Day celebration, with large-scale protests planned in opposition, the junta openly threatened the people of Myanmar. On 26 March the junta released a statement on military-controlled television [MRTV News] stating, “You should learn from the tragedy of earlier ugly deaths that you can be in danger of getting shot in the head and back.”

<sup>87</sup> ACLED, [‘Myanmar: Continued resistance against the military coup’](#), no date

<sup>88</sup> Malay Mail, [‘Dry streets as Myanmar boycotts water festival to protest junta’](#), 13 April 2022

<sup>89</sup> The Diplomat, [‘2 Years of Turmoil: Myanmar’s Spiraling Civil War’](#), 6 April 2023

<sup>90</sup> ACLED, [‘Myanmar: Continued Opposition...’](#) 8 February 2023

<sup>91</sup> UN, [‘Report of the Special Rapporteur on the situation of human ...’](#) (page 4), 2 September 2021

<sup>92</sup> UN, [‘Report of the Special Rapporteur on the situation of human ...’](#) (page 5), 2 September 2021

'The junta made good on its threat. Police and military murdered 140 people in 44 townships on Armed Forces Day.

'As the junta opened fire on protesters, the junta leader, Min Aung Hlaing, hosted dignitaries from the international community to celebrate Armed Forces Day... Military-controlled television displayed pictures and video of Min Aung Hlaing and other senior military leaders celebrating in full military white dress uniform, even as civilians were being gunned down on the streets...'<sup>93</sup>

- 11.1.2 Human Rights Watch, in their World Report 2022 (HRW report 2022) also noted the MRTV news channel announcement the day before Armed Forces Day, and that '...On March 27 [2021], security forces followed through on that threat by carrying out violent crackdowns on protesters in at least 40 towns and cities, killing dozens'.<sup>94</sup>
- 11.1.3 According to a report by ACLED published in the first half of 2022, 'While the demonstrations remained largely peaceful, the military frequently responded with deadly violence, in many cases firing live rounds at demonstrators' heads. Women have played a key role in the movement, often standing on the front lines at demonstrations; in turn, they have been met with targeted violence. According to ACLED data, Myanmar was the deadliest country in the world for demonstrators in 2021...'<sup>95</sup>
- 11.1.4 On the one-year anniversary of the military coup, protests against the junta continued. The Guardian reported, on 31 January 2022, that:

'Myanmar's military junta has threatened sedition and terrorism charges against anyone who shuts their business, claps or bang pots on Tuesday, as it tries to stamp out any protests planned to mark the one-year anniversary of the coup...

'The junta has warned the public not to participate in such protests, announcing in junta-controlled media that people who do so will face a variety of legal charges. Over the past week, business owners have been sent notices from local administrators, reiterating such threats, and warning their property could be confiscated. They have been required to sign a document to pledge their agreement.'<sup>96</sup>
- 11.1.5 The HRW report 2022 reported on the protests following the military coup, including the number of people killed between February and November 2021, as least 1,200 protesters and bystanders across Myanmar, although it is unclear how HRW distinguished between 'protesters' and 'bystanders'. The report also noted enforced disappearance of opposition supporters, torture, sexual abuse, rape of some detainees, and mass political detentions during this period.<sup>97</sup>
- 11.1.6 In the United States Department of State Country Report on Human Rights Practices in 2021 in Myanmar, published 12 April 2022 it was noted:

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<sup>93</sup> UN, '[Report of the Special Rapporteur on the situation of human ...](#)' (page 5), 2 September 2021

<sup>94</sup> HRW, '[World Report 2022 – Myanmar](#)', 13 January 2022

<sup>95</sup> ACLED, '[Myanmar: Continued resistance against the military coup](#)', no date

<sup>96</sup> The Guardian, '[Myanmar's junta struggles to prevent protests planned for ...](#)', 31 January 2022

<sup>97</sup> HRW, '[World Report 2022 – Myanmar](#)', 13 January 2022

‘On February 9, Mya Thwate Khaing was shot in the head by police while peacefully protesting the military coup in the capital, Nay Pyi Taw. She was taken to the hospital but died of her injuries several days later. Her death was widely considered the first fatality in the protest movement that began on February 2.’<sup>98</sup>

- 11.1.7 In their 22 April 2022 article on the continuing protests in Myanmar, Amnesty International highlighted:

‘...The violence [force used against peaceful protesters] has prompted many to join armed resistance groups, which are active throughout the country...More than 1,700 people have been killed, and more than 13,000 arrested since the military took power, according to the Assistance Association for Political Prisoners.’<sup>99</sup>

- 11.1.8 The same Amnesty article noted:

‘Activists and human rights defenders interviewed by Amnesty described witnessing or experiencing abuses by military forces while demonstrating, including shootings, beatings, and attempts to ram vehicles into protests...

‘Many activists described how they felt they were being constantly watched and followed by civilian informants known as dala or by soldiers and police wearing civilian clothes and driving unmarked vehicles.

‘Myat Min Khant of the All Burma Federation of Student Unions said that the military and police roam streets disguised as fruit sellers or trishaw, motorcycle, or taxi drivers and embed themselves among the people to identify anyone daring to express dissent.

‘There are numerous checkpoints in towns and cities around the country where people are stopped at random, and their belongings are searched by soldiers and police.... In many cases, soldiers and police arrest activists’ family members and loved ones when they can’t find the activists. According to media reports, this includes a politician’s 94-year-old mother who was arrested and an activist’s four-year-old daughter...’<sup>100</sup>

- 11.1.9 ACLED in its mid-year 2022 update, citing information from Irrawaddy, a non-profit media organisation, noted ‘The military has cracked down on demonstrations by tracking and arresting activists before and after demonstrations. Mass arrests have also been carried out across cities with the intention of preventing demonstrations’.<sup>101</sup>

- 11.1.10 The US State Department (USSD), 2022 Country Reports on Human Rights Practices: Burma, 20 March 2023, noted: ‘The regime responded [to protests against the coup] with violent repressive tactics such as the continued arrest of political opponents, the reported use of extensive lethal violence against unarmed persons, torture, sexual violence, and other abuses.’<sup>102</sup>

See also [Five-Point Consensus \(5PC\)](#) and [Political prisoners](#)

<sup>98</sup> USSD, ‘[2021 Country Report on Human Rights Practices: Burma](#)’, (Section 1A), 12 April 2022

<sup>99</sup> AI, ‘[Myanmar: Activists continue peaceful protests in face of the regime's brutality](#)’ 22 April 2022

<sup>100</sup> AI, ‘[Myanmar: Activists continue peaceful protests in face of the regime's brutality](#)’ 22 April 2022

<sup>101</sup> AI, ‘[AI report 2023](#)’, (Myanmar 2022), 27 March 2023

<sup>102</sup> USSD, [Human rights report 2022](#) (Executive Summary), 20 March 2023

## 11.2 Journalists, writers and media workers

11.2.1 On 20 January 2022, Reuters reported on the arrest of three journalists working for the independent news portal 'Dawei Watch'<sup>103</sup> and further noted:

'The military ... arrested dozens of journalists since its Feb. 1 coup. Myanmar ranked as the world's second-worst jailer of journalists in a report published by the Committee to Protect Journalists. Reporting ASEAN, a Southeast Asia media advocacy group, said since the coup 115 journalists had been detained and 44 remained in detention and three had died. Some foreign journalists have also bee[n] detained...'<sup>104</sup>

11.2.2 The FH report 2023 noted that: 'Since the February 2021 coup, dozens of journalists have been forced to flee following the military's crackdown on press freedoms, and most independent outlets now operate underground or from exile.'<sup>105</sup>

11.2.3 The HRW World Report 2023, noted:

'As of October 25 [2022], Myanmar's junta had arrested 98 journalists, 46 of whom remained in detention, according to the Assistance Association for Political Prisoners. Six journalists had been convicted, including five for violating section 505A of the penal code, a new provision that makes it a crime to publish or circulate comments that "cause fear" or spread "false news." In such prosecutions, "false news" appears to be any news that the authorities do not want to reach the public.

'...On June 30, the Ministry of Information issued a warning to journalists to stop describing the SAC as a "junta" or face prosecution.'<sup>106</sup>

11.2.4 HRW and Reuters reported on the detention of American journalist Danny Fenster who was sentenced to 11 years in prison or 'hard labour', prior to his release and deportation in November 2022<sup>107 108</sup>.

11.2.5 CPJ, reporting on 31 January 2023 noted:

'Myanmar was the world's third-worst jailer of journalists, with at least 42 journalists behind bars at the time of CPJ's December 1, 2022, prison census. Most Myanmar journalists sentenced for their work have been charged under Article 505(a) of the penal code.... Among them are Myanmar Pressphoto Agency photographer Kaung Sett Lin and camera operator Hmu Yadanar Khet Moh Moh Tun, both serving three-year sentences under Article 505(a). The journalists were arrested after being seriously injured on December 5, 2021, while covering an anti-coup protest in Yangon, where security forces shot and killed several protesters.

'Other journalists have been sentenced more harshly under the Counter-Terrorism Law for reporting on the many armed resistance groups fighting against military rule and related clampdowns. They include Mekong News

<sup>103</sup> Reuters, '[Myanmar military arrests more journalists in media crackdown-editor](#)', 20 January 2022

<sup>104</sup> Reuters, '[Myanmar military arrests more journalists in media crackdown-editor](#)', 20 January 2022

<sup>105</sup> FH, '[Freedom in the World 2023: Myanmar](#)' (D1), 9 March 2023

<sup>106</sup> HRW, '[World Report 2023 – Myanmar](#)', 12 January 2023

<sup>107</sup> HRW, '[World Report 2023 – Myanmar](#)', 12 January 2023

<sup>108</sup> Reuters, '[Myanmar military arrests more journalists in media crackdown-editor](#)', 20 January 2022

reporter Maung Maung Myo, currently serving a six-year sentence handed down in July 2022. He was convicted for possession of pictures and interviews with People's Defense Forces, an array of new insurgent groups fighting against military rule. Similarly, BBC Media Action contributor Htet Htet Khine is serving a five-year sentence under both Article 505(a) and Section 17(1) of the colonial-era Unlawful Association Act for contacting so-called "illegal organizations."<sup>109</sup>

11.2.6 The USSD Report 2022 noted:

'In January [2022] the regime sentenced the deputy chief editor of Zeyar Times News Agency and an agency reporter to two years in prison. The regime charged the two under section 505 (a) of the Penal Code, accusing them of describing the regime as a "military coup council," publishing news of the NUG and the Committee Representing the Union Parliament, and urging civil servants to join the Civil Disobedience Movement. The latter was also charged with terrorism.'<sup>110</sup>

11.2.7 The same USSD report noted: 'On July 28 the regime charged Japanese journalist Toru Kubota under Section 505(a) of the criminal code for encouraging dissent against the military... [which] carries a maximum three-year jail term; it was widely used in the crackdown on dissent. He was later released and deported as part of the regime's large-scale November prisoner release... Although the regime prosecuted some media critics using laws related to national security, in general the regime used other methods to pursue its critics.'<sup>111</sup>

11.2.8 The AI report 2023 noted

'Two journalists were killed during the year including Aye Kyaw, a freelance photojournalist who had documented anti-coup protests in the Sagaing region. He was arrested by military authorities on 30 July and died in custody the same day. At least 74 media workers were among those detained at year's end. Independent media outlets remained banned and the military authorities subjected those continuing to publish to harassment and threats of arrest and prosecution.'<sup>112</sup>

11.2.9 Reporting ASEAN, an independent organisation which analyses news and issues, including in Myanmar reported

'There were at least 40 journalists arrested in 2022, bringing to at least 175 the number of arrested news professionals and staffers since the coup, going by one monitoring count\* [There are several monitoring efforts underway relating to the media situation in Myanmar. There are variations in their numbers, due to different parameters and other reasons]. Twenty-four journalists were released, some of whom had been arrested in 2021.

'A total of 42 journalists were convicted during the year, the majority them found guilty for incitement, followed by terrorism-related crimes. A good number faced multiple charges, with the longest combined sentence thus far

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<sup>109</sup> CPJ, '[On 2-year anniversary of military coup, Myanmar's junta must stop ...](#)', 31 January 2023

<sup>110</sup> USSD, '[Human rights report 2022](#)' (section 2A), 20 March 2023

<sup>111</sup> USSD, '[Human rights report 2022](#)' (section 2A), 20 March 2023

<sup>112</sup> AI, '[AI report 2023](#)', (Myanmar 2022), 27 March 2023



being 15 years' imprisonment. In at least one case, an additional sentence for an editor was handed down toward the end of his first conviction, effectively lengthening his time in prison.

'As of end-December 2022, at least 62 journalists and news professionals were reported to still be in detention.'<sup>113</sup>

- 11.2.10 In May 2023, RSF reported the 10-year sentence of video reporter Hmu Yadanar Khet Moh Moh Tun who was convicted on a terrorism charge under article 50 (j) of Myanmar's terrorism law for covering a flash mob protest in Yangon in December 2021. The article noted the reporter had been held since her arrest on 5 December and the 10-year sentence was in addition to an earlier 3 year sentence under a separate penal code charge<sup>114</sup>.

See also [Freedom of speech and media](#) and [Protestors](#) and [Political opposition leaders, members, supporters](#)

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### 11.3 Political opposition leaders, members, supporters

- 11.3.1 The UN Special Rapporteur on the situation of human rights in Myanmar, reported in March 2021 that the following specific group was targeted for arbitrary detention in the immediate aftermath of the coup:

'The NLD: State Counsellor Aung San Suu Kyi, President Win Myint, and nearly the entire NLD Central Executive Committee are believed to be detained... Numerous other NLD figures have been charged, some appearing at secret hearings before a judge without access to legal representation. Myanmar police have also carried out night raids on the NLD's offices and headquarters, including on 9 February, confiscating its computer system. The junta is working to systematically dismantle the NLD leadership and party.'<sup>115</sup>

- 11.3.2 The HRW report 2022 noted enforced disappearance of opposition supporters, torture, sexual abuse, rape of some detainees, and mass political detentions between February and November 2021<sup>116</sup>.

- 11.3.3 Freedom House's 'Freedom in the World' report 2023 (FH report 2023), focusing on political rights and civil liberties in Myanmar, outlined the status of political parties in 2021:

'Political parties continued to function after the February 2021 coup, though prominent political leaders have been arrested by the military regime, and some have been charged with and convicted of spurious criminal offenses. The constitution contains a requirement that political parties be loyal to the state, which carries the potential for abuse. Laws allow penalties, including deregistration, for political parties that accept support from foreign governments or religious bodies, or that are deemed to have abused religion for political purposes or disrespected the constitution.'<sup>117</sup>

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<sup>113</sup> Reporting ASEAN, '[Two Years After the Coup...](#)', 2 February 2023

<sup>114</sup> RSF, '[Myanmar reporter gets additional ten-year sentence for covering protest](#)', 30 May 2023

<sup>115</sup> UN, '[Report of the Special Rapporteur on the situation of human ...](#)', (para 56), 4 March 2021

<sup>116</sup> HRW, '[World Report 2022 – Myanmar](#)', 13 January 2022

<sup>117</sup> FH, '[Freedom in the World 2023: Myanmar](#)' (B1), 9 March 2023



#### 11.3.4 The USSD Report 2022 noted

‘Political parties faced narrowing political space amid regime investigations and threats to ban them from competing in elections. Political parties not aligned with the military were denied the rights to assemble and protest peacefully. The military regime, moreover, conducted politically motivated investigations into prodemocracy political parties and their leaders, particularly the NLD. In May [2022] the UEC began investigations into the 93 registered political parties.’<sup>118</sup> And ‘Those who spoke openly against the regime or in favor of the NLD, NUG, or democracy more broadly risked abuse and punishment by authorities.’<sup>119</sup>

#### 11.3.5 The USSD Report 2022 further noted: ‘According to the NLD Human Rights Documentation Team, as of October 7, 165 NLD members were arrested, of whom 11 were MPs and the rest members of the NLD who served at different levels in various township committees.’<sup>120</sup>

#### 11.3.6 ACLED in its mid-year 2022 update based on a variety of sources noted ‘...at the beginning of the year [2022], the military is carrying out a campaign of violence against NLD members and supporters with the goal of eliminating any opposition at the ballot box. NLD members and supporters continue to be tortured and killed [in July 2022].’<sup>121</sup>

#### 11.3.7 Radio Free Asia (RFA), in a report by Zachary Abuza, professor at the National War College in Washington and an adjunct at Georgetown University dated 29 April 2023 noted ‘...the military has seized properties of more than 600 NLD members.’<sup>122</sup>

#### 11.3.8 The Assistance Association for Political Prisoners (AAPP), a non-profit rights organisation formed by former political prisoners from Myanmar and based in Thailand, in its April 2023 report noted:

‘Between February 1st 2021 and March 31st 2023 the junta seized at least 751 immovable properties, targeting pro-democracy supporters across the country. These seizures have affected at least 636 property owners at least 300 of which are Members of Parliament, members of the National League for Democracy (NLD) party and/ or supporters of the NLD. Among these 636 cases AAPP documented 110 cases where the junta conducted the seizure because of the property owners alleged support of or affiliation with the people Defence Force (PDF).’<sup>123</sup>

See also [Treatment of political prisoners](#)

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### 11.4 Harassment and violence against civilians

#### 11.4.1 On 30 January 2022, the BBC reported ‘The security forces have killed at least 1,500 people, some in dreadful massacres, and destroyed hundreds of

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<sup>118</sup> USSD, ‘[Human rights report 2022](#)’, (Section 3), 20 March 2023

<sup>119</sup> USSD, ‘[Human rights report 2022](#)’ (section 2A), 20 March 2023

<sup>120</sup> USSD, ‘[Human rights report 2022](#)’, (Section 1D), 20 March 2023

<sup>121</sup> AI, ‘[AI report 2023](#)’, (Myanmar 2022), 27 March 2023

<sup>122</sup> RFA, ‘[Myanmar, neighbours including Thailand...](#)’, 29 April 2023

<sup>123</sup> AAPP, ‘[The Junta’s Property Seizures](#)’, 25 April 2023

homes...'<sup>124</sup>

- 11.4.2 ACLED, in their early 2022 report with reference to the military response to those who oppose their rule noted: 'In an effort to further threaten civilians opposed to its rule, the military junta has supported the formation of local militias called Pyu Saw Htee. These militias have targeted civilians and have engaged in clashes with local defense forces. In 2021, ACLED records the most activity by Pyu Saw Htee groups in Sagaing region.'<sup>125</sup>
- 11.4.3 The same ACLED report noted: 'The degree of violence against civilians by state forces since the coup has been particularly severe, with a 620% increase in such events recorded in 2021 compared to 2020. Multiple cases of civilians being burned to death have been reported. ...As well, amid mass arrests of people accused of expressing opposition to the coup, the military has tortured detainees and committed acts of sexual violence against women and men.'<sup>126</sup>
- 11.4.4 A May 2022 article by The Star, a Malaysia-based news website<sup>127</sup>, noted: '... Saifuddin [the Foreign Minister] noted that records have shown ... increased incidents of armed clashes and attacks on civilians.  
  
'He said 10,786 incidents were reported between Feb 1, 2021 and April 15, 2022, with 2,146 people killed and 13,282 people arrested'<sup>128</sup> The original source for the statistics cited by the Foreign Minister in The Star article is unknown. It is also not clear on the type of incidents included and it was not possible to obtain further details or corroboration in sources consulted (see [Bibliography](#)).
- 11.4.5 ACLED in its mid-year 2022 update, using its own data and other sources noted:  
  
'Over the first six months of the year [2022], state forces continued to engage in violence targeting civilians across Myanmar. The majority of this violence involved direct attacks with small weapons on individuals who are unarmed and not participating in demonstrations. ... Civilians are frequently shot at check points, tortured in prisons, and killed following battles in villages. Children have also been targeted..., as have family members of anti-coup activists...In several cases, the military has desecrated the bodies of those killed, cutting off body parts and setting corpses on fire. In June, a video of a woman being beheaded was reported ...following an additional video of soldiers admitting to acts of severe violence, including beheadings...' <sup>129</sup>
- 11.4.6 In relation to pro-junta militia, the same ACLED report noted:  
  
'Pro-junta Pyu Saw Htee militias, composed of military veterans and nationalists, have also carried out violence against civilians ...Other pro-junta militias have emerged as well, such as the Thway Thauk Aphwe (Blood

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<sup>124</sup> BBC, '[Myanmar: Why once peaceful protesters are now choosing violence](#)', 30 January 2022

<sup>125</sup> ACLED, '[Myanmar: Continued resistance against the military coup](#)', no date

<sup>126</sup> ACLED, '[Myanmar: Continued resistance against the military coup](#)', no date

<sup>127</sup> The Star, '[About us](#)', no date

<sup>128</sup> The Star, '[Asean foreign ministers meeting to discuss Myanmar 5-Point Consensus...](#)', 8 May 2022

<sup>129</sup> ACLED, '[Myanmar: Continued resistance against the military coup](#)', no date

Comrades Group), which earlier in the year began 'Operation Red,' a campaign of violence targeting the National League for Democracy (NLD). Victims of the group's attacks have often been found with the group's lanyard around their necks...Members of the media have also been threatened by the group for their reporting...' <sup>130</sup>

11.4.7 The USSD Report 2022 noted: 'Although pre-coup law protected privacy and the security of the home, in February 2021 the regime amended the Law Protecting the Privacy and Security of the Citizens to legalize entering properties without warrant. Unannounced nighttime household checks were common.'<sup>131</sup>

11.4.8 The same USSD report noted:

'Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; forced disappearances; torture or cruel, inhuman, or degrading treatment or punishment by the regime; arbitrary or unlawful interference with privacy; punishment of family members for alleged offenses by a relative; serious abuses in a conflict, including reportedly unlawful or widespread civilian harm, enforced disappearances or abductions...' <sup>132</sup>

11.4.9 The AI report 2023 noted 'Hundreds of people were reportedly killed in military ground and air attacks, which were indiscriminate or directly targeted at civilians or civilian objects, as well as through extrajudicial executions by the military of individuals suspected of supporting resistance to the coup ....' <sup>133</sup>

11.4.10 Information provided to the UN Office of the United Nations High Commissioner for Human Rights (OHCHR), on the situation of human rights in Myanmar, on 20 March 2023 by the Special Rapporteur noted:

'...two years after the military staged an illegal coup in Myanmar, it continued to wage a campaign of violence and oppression to crush widespread public opposition. ...While opposition remained strong, the junta's escalating assaults on the people of Myanmar were having a devastating impact. Since the coup was launched, more than 3,000 civilians had been killed; more than 1.3 million civilians had been displaced.... The Special Rapporteur said he regularly received reports of massacres of civilians, including beheadings and dismemberment. Torture and sexual violence remained a constant threat.'<sup>134</sup>

11.4.11 The UN Report of the Special Rapporteur on the situation of human rights in Myanmar, dated 9 March 2023 noted

'In the latter half of 2022, as PDFs gained strength and increasingly challenged the military's control of territory, the SAC stepped up its use of airpower to target opposition groups and civilian populations. The Armed Conflict Location & Event Data Project recorded 207 airstrikes by the military in the second half of 2022, compared to 105 in the first half of 2022 and 90 in

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<sup>130</sup> ACLED, '[Myanmar: Continued resistance against the military coup](#)', no date

<sup>131</sup> USSD, '[Human rights report 2022](#)' (section 1F), 20 March 2023

<sup>132</sup> USSD, '[Human rights report 2022](#)' (Executive Summary), 20 March 2023

<sup>133</sup> AI, '[AI report 2023](#)', (Myanmar 2022), 27 March 2023

<sup>134</sup> OHCHR, '[Human Rights Council Hears about Reports of Massacres...](#)' 20 March 2023

all of 2021. A recent investigation identified 135 “airwar incidents” between July and December 2022, most or all of which involved multiple airstrikes. Civilian homes, schools, medical facilities, and religious buildings were damaged in these attacks, which often appeared to be in retaliation for PDF operations targeting the military. The National Unity Government has reported that 460 civilians have been killed by military airstrikes since the coup.<sup>135</sup>

11.4.12 The same UN report noted ‘In November 2022, soldiers reportedly tortured, executed, and dismembered 18 individuals, including both PDF fighters and civilians, in Monywa Township, Sagaing Region. In late February and early March 2023, a column of soldiers reportedly executed at least 17 people in southern Sagaing Region, including both PDF fighters and civilians, some of whom were minors and women. The soldiers reportedly mutilated and dismembered many of the bodies.’<sup>136</sup>

11.4.13 The UN Human Rights Chief, in a press release dated 11 April 2023 noted ‘...reports of today’s [11 April 2023] airstrikes by Myanmar fighter jets on a community hall in the Sagaing region, an opposition stronghold in the northwest of the country, that killed dozens of people, including women and children. As I have previously noted, there are reasonable grounds to believe that the military and its affiliated militias are responsible for an extremely broad range of human rights violations and abuses since 1 February 2021, some of which may constitute crimes against humanity and war crimes.’<sup>137</sup>

11.4.14 AAPP provides a ‘... tracker of daily killings, arrests and people being held in detention relating to the attempted military coup in Myanmar from 1 February 2021’<sup>138</sup>. In information available on the 2 May 2023, AAPP stated 3,452 people had been killed. The source explained that ‘Total Killed means the total number of civilians and pro-democracy activists killed by the junta and pro-military groups.’<sup>139</sup>

11.4.15 AAPP’s daily briefing in relation to the military coup, dated 2 May 2023 noted ‘These are the numbers verified by AAPP. The actual numbers are likely much higher.’ Of the 3,452 killed in this period, AAPP recorded that 363 of them were children<sup>140</sup>.

11.4.16 For AAPP’s data on arrests, detention and release during this period see [Numbers](#)

See also [Political opposition leaders, members, supporters](#) and [Journalists, writers and media workers](#)

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## 11.5 Surveillance

11.5.1 The UN Special Rapporteur noted in March 2023 ‘The SAC has forged ahead with its plans to require the registration of SIM cards and mobile

<sup>135</sup> OCHCR, ‘[Report of the Special Rapporteur on ... Myanmar](#)’ (paragraph 14), 9 March 2023

<sup>136</sup> OHCHR, ‘[Situation of human rights in Myanmar](#)’ (paragraph 18), 9 March 2023

<sup>137</sup> UN, ‘[UN Human Rights Chief Volker Türk condemns Myanmar attacks](#)’, 11 April 2023

<sup>138</sup> AAPP, ‘[Tracker](#)’, updated 2 May 2023

<sup>139</sup> AAPP, ‘[Tracker](#)’, updated 2 May 2023

<sup>140</sup> AAPP, ‘[Daily Briefing in Relation to the Military Coup](#)’, 2 May 2023

phone IMEI numbers, which will greatly enhance surveillance capabilities.’<sup>141</sup>

11.5.2 Reuters reported on 11 July 2022:

‘Since the February 2021 coup, local authorities have started new camera surveillance projects for at least five cities including Mawlamyine - the country’s fourth-largest city...[ according to information from the three people who are or were involved in projects to install camera surveillance systems in Myanmar].

‘The new projects are in addition to five cities where camera systems touted as crime prevention measures were either installed or planned by the previous government led by Aung San Suu Kyi...’<sup>142</sup>

11.5.3 DW reported on 28 July 2023 ‘Myanmar’s junta is expanding its public surveillance capabilities by using facial recognition technology, raising fresh concerns about the safety of democracy activists and resistance groups in Myanmar... Experts and activists on the ground fear that the military’s increased access to this technology could have consequences for the safety of anyone opposing the junta.’<sup>143</sup>

11.5.4 The News Lens, an independent website based in Taiwan and Hong Kong that provides daily global news coverage, in an article dated 17 May 2023 noted:

‘With the country’s four mobile service providers now either directly or indirectly linked to Myanmar’s military, sensitive user data is more easily accessible and could be used to persecute opposition voices, experts say... But even before the coup, telecom and internet service providers had been ordered to install intercept spyware that could give the military power to listen in on calls, view texts and web traffic including emails, and to track user location, Reuters reported... The military is most interested in accessing the user data of potential political opponents, resistance members, and journalists as part of its broader effort to squash dissent, analysts believe.’<sup>144</sup>

See also [Internet and social media](#)

This section was updated on 30 May 2023

## 12. Political prisoners

### 12.1 Profiles of those arrested / imprisoned

12.1.1 The AAPP defined a political prisoner as ‘...anyone who is arrested because of his or her perceived or real active involvement or supporting role in political movements. AAPP maintains that the motivation behind the arrest of every individual in AAPP’s database is a political motivation, regardless of the laws they have been sentenced under.’<sup>145</sup>

12.1.2 The UN noted in March 2021 those detained included members of parliament, political activists, teachers, celebrities, civil servants, journalists,

<sup>141</sup> OHCHR, ‘[Situation of human rights in Myanmar](#)’ (paragraph 32), 9 March 2023

<sup>142</sup> Reuters, ‘[Exclusive: Myanmar’s junta rolls out Chinese camera...](#)’, 11 July 2022

<sup>143</sup> DW, ‘[How Myanmar’s junta uses Chinese surveillance technology](#)’, 28 July 2022

<sup>144</sup> The News Lens, ‘[How Myanmar’s Junta Uses Telecom Companies...](#)’, 17 May 2023

<sup>145</sup> AAPP, ‘[About, Political prisoner definition](#)’, no date



healthcare workers, election officials<sup>146 147</sup>, authors, human rights defenders, monks<sup>148</sup>, members of the NLD, civil society members, lawyers and students<sup>149</sup>.

12.1.3 The UN Special Rapporteur also reported in March 2021 that:

‘The junta issued arrest warrants for at least 32 others who reportedly went into hiding...The police, military, plain-clothed authorities, and General Administration Department officers such as township and ward administrators have all carried out arbitrary detentions since the coup...Security forces arbitrarily detained people during protests and from their homes during unlawful night-time raids without warning or warrant and sometimes blindfolded...’<sup>150</sup>

12.1.4 Covering 2021, Amnesty and HRW noted the detention of protesters, activists<sup>151 152</sup>, NLD party members and their relatives, peaceful protesters, members of the CDM<sup>153</sup>, government and election officials, journalists, and civil servants and politicians<sup>154</sup>.

12.1.5 The HRW report 2022 noted that ‘Security forces frequently detained family members, including children and older people, when they were unable to find the individual they sought to arrest.’<sup>155</sup>

12.1.6 An article of 8 May 2022 by The Star noted, since the February 2021 coup, “... Among those who were killed and arrested included elected MPs in the last general election, journalists, humanitarian workers, civil society members and university students.”<sup>156</sup>

12.1.7 Burma News International (BNI), a network of 16 independent media and news organizations based in and around Myanmar, reported on 29 August 2022: ‘Among the women arrested were CDM [Civil Disobedience Movement] staff, PDF [People’s Defense Force], activists, female human rights activists, and female journalists. If the authorities could not find the person they were targeting, they arrested the relatives.’<sup>157</sup>

12.1.8 In relation to international detainees, on 25 August 2022, sources noted the arrest and charge of ex-UK ambassador Vicky Bowman and her husband Htein Lin, a veteran democracy activist, accused of violating immigration laws<sup>158 159</sup>. Amnesty International and the BBC considered them to be likely politically motivated charges<sup>160 161</sup>. They were sentenced to a year in

<sup>146</sup> UN-OHCHR, ‘[Myanmar military must stop murdering and jailing protestors ...](#)’, 4 March 2021

<sup>147</sup> UN, ‘[Report of the Special Rapporteur on the situation of human ...](#)’, (paras 53-55), 4 March 2021

<sup>148</sup> UN-OHCHR, ‘[Myanmar military must stop murdering and jailing protestors ...](#)’, 4 March 2021

<sup>149</sup> UN, ‘[Report of the Special Rapporteur on the situation of human ...](#)’, (paras 53-55), 4 March 2021

<sup>150</sup> UN, ‘[Report of the Special Rapporteur on the situation of human ...](#)’, (paras 53-55), 4 March 2021

<sup>151</sup> AI, ‘[Amnesty International Report 2021/22](#)’, 29 March 2022

<sup>152</sup> HRW, ‘[World Report 2022 – Myanmar](#)’, 13 January 2022

<sup>153</sup> AI, ‘[Amnesty International Report 2021/22](#)’, 29 March 2022

<sup>154</sup> HRW, ‘[World Report 2022 – Myanmar](#)’, 13 January 2022

<sup>155</sup> HRW, ‘[World Report 2022 – Myanmar](#)’, 13 January 2022

<sup>156</sup> The Star, ‘[Asean foreign ministers meeting to discuss Myanmar 5PC issue](#)’, 8 May 2022

<sup>157</sup> BNI, ‘[Women political prisoners at record high under military council](#)’, 29 August 2022

<sup>158</sup> BBC, ‘[Vicky Bowman: UK ex-ambassador to Myanmar arrested](#)’, 25 August 2022

<sup>159</sup> CNN, ‘[Myanmar junta charges former UK ambassador with immigration offenses](#)’, 25 August 2022

<sup>160</sup> The Guardian, ‘[Ex-UK ambassador and her husband ...](#)’, 2 September 2022

<sup>161</sup> BBC, ‘[Vicky Bowman: UK former ambassador jailed in Myanmar](#)’, 2 September 2022

custody<sup>162</sup> but released in November 2022 as part of 6,000 pardons which also included the release of a Japanese filmmaker and an Australian adviser to the country's ousted civilian leader<sup>163 164</sup>.

12.1.9 The UN Spokesman for the Secretary-General noted on 2 December 2022 'At least seven university students were sentenced to death by a military court on 30 November. There are reports of as many as four additional death sentences being issued against youth activists.'<sup>165</sup>

12.1.10 The USSD Report 2022, covering events in 2022 noted:

'Incommunicado detention was common. The regime detained politicians, election officials, journalists, activists, protesters, and Civil Disobedience Movement (CDM) members, refusing to confirm their locations in violation of international law, according to media reports, eyewitness accounts, and social media posts... According to AAPP, more than 277 family members of prodemocracy supporters, including 43 children, were among those the regime detained... the regime [also] arrested 14 lawyers associated with prodemocracy cases as of September [2022].'<sup>166</sup>

12.1.11 The RFA article dated 29 April 2023 noted 'More than 1,200 members of the overthrown National League for Democracy party are in jail...'<sup>167</sup>

See also Political prisoners [Numbers Women and LGBTI persons](#) and [Amnesty, Military response to opposition](#) and [Freedom of speech and media](#).

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## 12.2 Numbers

12.2.1 Al Jazeera, reported on 25 April 2021:

'According to AAPP, 715 civilian protesters have been killed and more than 3,000 people have been charged, arrested or sentenced to prison for taking part in protests. March 27 [2021] marked the deadliest day of the anti-coup protests so far, with more than 100 deaths in a single day... The Women's League of Burma, an organisation which seeks to increase women's participation in public life in Myanmar ... estimates that 60 percent of those protesting are women, while the AAPP says women make up almost 40 percent of those arrested...'<sup>168</sup>

12.2.2 On 28 October 2021, Associated Press (AP) News reported: 'AP's investigation provides the most comprehensive look since the takeover into a highly secretive detention system that has held more than 9,000 people.'<sup>169</sup>

12.2.3 The AI report 2023 noted: 'Mass arbitrary arrests and detentions of NLD members and other supporters of the anti-coup movement persisted.'<sup>170</sup>

12.2.4 The Bangkok Post reported on 10 March 2023 that according to activists,

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<sup>162</sup> The Guardian, '[Ex-UK ambassador and her husband ...](#)', 2 September 2022

<sup>163</sup> BBC, '[Vicky Bowman: ...freed in Myanmar](#)', 17 November 2022

<sup>164</sup> Sky News, '[... Vicky Bowman released from Myanmar prison](#)', 17 November 2022

<sup>165</sup> UN, '[Daily Press Briefing...for the Secretary-General](#)', 2 December 2022

<sup>166</sup> USSD, '[Human rights report 2022](#)', (Section 1D & E), 20 March 2023

<sup>167</sup> RFA, '[Myanmar, neighbours including Thailand...](#)', 29 April 2023

<sup>168</sup> Al Jazeera, '[The women of Myanmar: 'Our place is in the revolution'](#)', 25 April 2021

<sup>169</sup> AP, '[Myanmar military uses systematic torture across country](#)', 28 October 2021

<sup>170</sup> AI, '[AI report 2023](#)', (Myanmar 2022), 27 March 2023

there were 2,000 political inmates inside Mandalay's Obo prison, including 330 women<sup>171</sup>.

- 12.2.5 The USSD Report 2022 noted: 'In September [2022], AAPP reported that an estimated 9,326 individuals listed by the regime as "under detention" were in unknown locations, accounting for approximately 78 percent of those detained for prodemocracy activities. Even when the whereabouts of prisoners were known, prisoners were regularly denied access to lawyers and family members.'<sup>172</sup>
- 12.2.6 The UN Special Rapporteur noted in March 2023: 'Since the coup was launched [February 2021], ...more than 16,000 political prisoners were behind bars...' <sup>173</sup> and 'Mass arbitrary detention continues to be a foundation of the SAC's strategy to suppress opposition to military rule...' <sup>174</sup>
- 12.2.7 The AAPP in its '... tracker of daily killings, arrests and people being held in detention relating to the attempted military coup in Myanmar from 1 February 2021'<sup>175</sup>, in information available on the 2 May 2023 noted 21,807 people arrested, 17,897 detained, 3,910 released<sup>176</sup>. The source explained that 'Total Arrested means the total number of political prisoners arrested since the coup. Still Detained means the total number of political prisoners who remain detained including those sentenced, in prisons, interrogation centers, police custody, military barracks, and other detention places'<sup>177</sup>.
- 12.2.8 AAPP noted on 2 May 2023 that: 'It is verified today that one detainee in prisons has been sentenced to death on April 25, 2023... Since the coup (5,839) [of the 17,897 in detention] ... are serving sentences. There are a total of (112) post-coup death row prisoners...(121) people have been sentenced in absentia, of whom (42) have been sentenced to death. This makes a total of (154) people who have been sentenced to death.'<sup>178</sup>.

See also [Treatment of female political prisoners](#) and [Military response to opposition](#)

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### 12.3 Treatment of political prisoners

- 12.3.1 On 28 October 2021, Associated Press (AP) News reported:

'Since its takeover of the government in February, the Myanmar military has been torturing detainees across the country in a methodical and systemic way, The Associated Press has found in interviews with 28 people imprisoned and released in recent months. Based also on photographic evidence, sketches and letters, along with testimony from three recently defected military officials...

'While most of the torture has occurred inside military compounds, the

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<sup>171</sup> Bangkok Post, '[Beatings of women in Myanmar jail alleged](#)', 10 March 2023

<sup>172</sup> USSD, '[Human rights report 2022](#)', (Section 1D), 20 March 2023

<sup>173</sup> OHCHR, '[Human Rights Council Hears about Reports of Massacres...](#)' 20 March 2023

<sup>174</sup> OHCHR, '[Situation of human rights in Myanmar](#)', 9 March 2023

<sup>175</sup> AAPP, '[Tracker](#)', updated 2 May 2023

<sup>176</sup> AAPP, '[Tracker](#)', updated 2 May 2023

<sup>177</sup> AAPP, '[Tracker](#)', updated 2 May 2023

<sup>178</sup> AAPP, '[Daily Briefing in Relation to the Military Coup](#)', 2 May 2023

Tatmadaw also has transformed public facilities such as community halls and a royal palace into interrogation centers, prisoners said. The AP identified a dozen interrogation centers in use across Myanmar, in addition to prisons and police lockups, based on interviews and satellite imagery.<sup>179</sup>

12.3.2 On 16 March 2022, Reuters ‘...found detainees were tortured during interrogation, including suspension from ceilings, electrocution, injection of drugs and some subjected to sexual violence, including rape.’<sup>180</sup>

12.3.3 A March 2022 report by AAPP, based on interviews with an undisclosed number of recently released political prisoners, confidential testimonies and open-source research, noted:

‘... Political prisoners are systematically physically and mentally tortured by the junta, of whom at least 103 pro-democracy supporters have been tortured to death in interrogation centers since the coup, most within 48 hours of arrest. Forced to kneel, asked the same questions over and over, if their answers did not satisfy the interrogators, they would be punished, through physical or mental violence. Some prisoners have been held at gunpoint during interrogation or burned with cigarettes. ...First, they [the military] torture for revenge like in front of loved ones at the place of arrest. Then the junta tortures to get information about others to arrest. By the end of such brutal torture some political prisoners confess whether they were actively resisting the coup or not.’<sup>181</sup>

12.3.4 The same report noted ‘Violence against detained political prisoners starts from the moment they are arrested and can last until the comfort of release. It can take place inside interrogation camps, prisons, police custody, or on the streets’<sup>182</sup> and also highlighted the use of ‘mental torture’, the most common form being isolation<sup>183</sup>.

12.3.5 AAPP highlighted instances of sexual abuse of prisoners:

‘According to our documentation, all genders are being subject to sexual abuse. A student reported to AAPP he was told by a sergeant in the interrogation center: “There were some soldiers who wanted to have sex, and he would let them meet us. He mentioned that the soldiers would rape us. They looked at our bodies and criticized. They used bad and violent words.” There are other instances of sexual abuse, including a report of rape committed by troops of the military junta during detention. According to a statement from All Burma Federation of Student Unions (ABSFU), such instances happen nationwide. They reported more specifically “the atrocity such as forcibly injecting bamboo poles into the victim’s anuses”.’<sup>184</sup>

12.3.6 Myanmar Now, a news agency based in Myanmar, reported on 3 January 2022:

‘Myanmar Now has obtained a medical prescription that offers strong evidence of the torture of anti-coup protesters inside the Myanmar junta’s

<sup>179</sup> AP, ‘[Myanmar military uses systematic torture across country](#)’, 28 October 2021

<sup>180</sup> Reuters, ‘[Myanmar army engaged in torture, mass killings, war crimes - U.N.](#)’, 16 March 2022

<sup>181</sup> AAPP, ‘[Political Prisoners Experience in Interrogation, Judiciary, and ...](#)’, 23 March 2022

<sup>182</sup> AAPP, ‘[Political Prisoners Experience in Interrogation, Judiciary, and ...](#)’, 23 March 2022

<sup>183</sup> AAPP, ‘[Political Prisoners Experience in Interrogation, Judiciary, and ...](#)’, 23 March 2022

<sup>184</sup> AAPP, ‘[Political Prisoners Experience in Interrogation, Judiciary, and ...](#)’, 23 March 2022

notorious Mandalay Palace interrogation centre. ...the All Burma Federation of Student Unions (ABFSU) said that it had evidence that three of its members had been tortured by having bamboo sticks thrust inside their rectums. Myanmar Now asked to see this evidence and consulted with a medical expert to determine whether it does, in fact, offer proof of such abusive treatment, which can only be described as an extreme form of torture...All three were said to have been subjected to the same form of torture and have also been denied treatment for their injuries, which have caused them immense suffering and could be life-threatening...<sup>185</sup>

- 12.3.7 Myanmar Now, reported on 22 February 2022: 'Myanmar army soldiers raped ... two men in a junta interrogation centre inside Mandalay Palace, according to a statement released by the ...ABFSU on Saturday [19 February]. ... The two men are reportedly not student activists. ... The victims were reportedly blindfolded when the assaults took place.'<sup>186</sup>
- 12.3.8 In July 2022 sources noted the execution of four political prisoners, including U Phyo Zeya Thaw, a former NLD MP, and U Kyaw Min Yu ( Ko Jimmy), a well-known pro-democracy activist. These were the first executions under the death penalty since the 1980s<sup>187 188 189</sup>.
- 12.3.9 ACLED in its mid-year 2022 update, based on a variety of sources noted 'The military has...moved NLD leader Daw Aung San Suu Kyi from the undisclosed location where she has been held since the coup to a prison in Nay Pyi Taw, while she continues to be tried on politically motivated charges.'<sup>190</sup>
- 12.3.10 Amnesty International noted in a briefing, dated 2 August 2022:

'At the interrogation centres, former detainees told Amnesty International that interrogators used methods of torture and other ill-treatment using items available in the perpetrators' immediate environment – for example their own hands, fists, knees and feet, rifle butts, military boots, a dense stick made of newspapers, palm tree branches and electrical wires. None of those interviewed by Amnesty International mentioned seeing dedicated torture chambers with specialized equipment or instruments.'<sup>191</sup>
- 12.3.11 Vice News, a media current affairs channel, producing daily documentary essays and video through its website and YouTube, with headquarters is based in the United States, reported in an article dated 16 September 2022:

'...a journalist with magazine Frontier Myanmar, recalled... in December—the day he was raped by junta soldiers. In the piece [published on Friday](#), he wrote that he was instructed to sexually assault a woman heard crying in the room next door at an interrogation center he was taken to... When he refused, he was told that they would instead do “something” to him...

'Ye Mon was first detained at Yangon Airport on Dec. 12 last year, and was

<sup>185</sup> Myanmar Now, '[Fresh evidence emerges of brutal torture of prisoners inside ...](#)', 3 January 2022

<sup>186</sup> Myanmar Now, '[Junta forces raped three detainees in Mandalay ...](#)', 22 February 2022

<sup>187</sup> AI, '[AI report 2023](#)', (Myanmar 2022), 27 March 2023

<sup>188</sup> USSD, '[Human rights report 2022](#)', (Section 1E), 20 March 2023

<sup>189</sup> AAPP, '[Sentenced to death by the junta](#)', 11 April 2023

<sup>190</sup> AI, '[AI report 2023](#)', (Myanmar 2022), 27 March 2023

<sup>191</sup> AI, '[Myanmar: 15 days felt like 15 years: Torture in detention since ...](#)' (pages 8-9), 2 August 2022



interrogated about his journalism and connections to Myanmar's pro-democracy groups. After days of being shuffled back and forth to an interrogation center, where he had endured his physical and sexual assault as soldiers attempted to get him to reveal sources from his stories, he was offered a deal: His charges of incitement and unlawful association would be dropped if he didn't reveal the conditions of his detention. He ...was released on Dec. 20 [2021].'<sup>192</sup>

- 12.3.12 HRW, in its World Report 2023 – Myanmar, 12 January 2023, noted 'Many former detainees alleged torture or other ill-treatment, such as sexual violence, during their detention... Myanmar's military and police are responsible for scores of deaths in custody. Human Rights Watch documented in detail the deaths of six detained activists that involved apparent torture or the denial of adequate medical care.'<sup>193</sup>
- 12.3.13 The USSD Report 2022, noted 'Significant human rights issues included credible reports of ...harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees...'<sup>194</sup>
- 12.3.14 The same USSD report noted 'Many political prisoners were held incommunicado and there were numerous reports of political prisoners being denied medical services. According to local media reports, all political prisoners were vulnerable to sexual violence. The regime continued to deny, in effect, political prisoners the right to receive visitors by holding them in institutions far from their homes or by otherwise imposing extensive restrictions on visits...'<sup>195</sup>
- 12.3.15 The USSD Report 2022 further noted:  
'The law prohibits torture; however, members of regime security forces reportedly tortured and otherwise abused suspects, prisoners, detainees, and others ...during interrogations ... [which] were widely reported across the country. Alleged harsh interrogation techniques were designed to intimidate and disorient and included severe beatings and deprivation of food, water, and sleep. Other reported interrogation methods described in news reports included rubbing salt into wounds and depriving individuals of oxygen until they passed out... There were numerous reports of arbitrary arrest, including detention by the regime in unknown locations.'<sup>196</sup>
- 12.3.16 The UN Special Rapporteur noted in March 2023 'Civilians and captured opposition fighters have been executed and tortured to death while in the custody of junta forces.'<sup>197</sup>
- 12.3.17 The AI report 2023 noted: 'Torture and other ill-treatment of detainees remained widespread, routinely occurring after arrest and in military and police interrogation centres and in prisons. Some detainees... were subjected to sexual violence, harassment and humiliation, including invasive

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<sup>192</sup> Vice news, '[Myanmar Journalist Details His Rape and Torture by Junta ...](#)', 16 September 2022

<sup>193</sup> HRW, '[World Report 2023 – Myanmar](#)', 12 January 2023

<sup>194</sup> USSD, '[Human rights report 2022](#)' (Executive Summary), 20 March 2023

<sup>195</sup> USSD, '[Human rights report 2022](#)', (Section 1E), 20 March 2023

<sup>196</sup> USSD, '[Human rights report 2022](#)', (Section 1C & D), 20 March 2023

<sup>197</sup> OHCHR, '[Situation of human rights in Myanmar](#)' (paragraph 18), 9 March 2023

body searches, as a method of torture during interrogation and detention'<sup>198</sup>

- 12.3.18 AAPP in March 2023 noted 'Since ... February 1st 2021 the military junta has killed at least 1070 people detainment [sic] across Burma. Deaths in junta detainment refer to individuals who died in custody of the junta after being arrested captured or otherwise forcibly taken. Of these 776 victims of detainment whose ages are known, a victim's average age was approximately 35.6 years old. At least 92% of the victims were male.'<sup>199</sup>

See also [Military response to opposition](#)

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## 12.4 Women and LGBTI persons

- 12.4.1 A HRW article dated 8 June 2021, reported: 'Female detainees have reported the "dehumanizing" experience of Myanmar prisons, explaining that they suffered during menstruation because prisons do not provide sanitary napkins. Since the coup, women have also reported sexual violence and other forms of gendered harassment and humiliation from police and military officials.'<sup>200</sup>

- 12.4.2 BBC News reported on 9 December 2021:

'Women in Myanmar have been tortured, sexually harassed and threatened with rape in custody, according to accounts obtained by the BBC. Five women who were detained for protesting against a military coup in the country earlier this year say they were abused and tortured in the detention system after their arrests.

'According to...HRW, interrogation centres "could be anything from makeshift holding sites, a room in a military barrack or even an abandoned public building". This was corroborated by a lawyer in Myanmar who spoke to the BBC, but asked not to be named for her own safety. She said she represented several detainees who had also reported being tortured and sexually assaulted during interrogations. ...The lawyer described a legal system in Myanmar as opaque...

'Abuse does not just happen in secret interrogation sites. An activist in her 50s, who we are calling Ms Lin, described to the BBC how she was placed in solitary confinement for more than 40 days inside Yangon's Insein prison...

'HRW researcher Manny Maung told the BBC that often in prisons about 500 women would be crammed into rooms only big enough for, at most, 100 detainees. They would have to take turns to sleep, because they can't all lie down at the same time. They were also being denied basic sanitation, she said, adding such a step was "denying them a fundamental right".'<sup>201</sup>

- 12.4.3 Myanmar Now, reported on 22 February 2022:

'Myanmar army soldiers raped one woman ...in a junta interrogation centre inside Mandalay Palace, according to a statement released by the All Burma Federation of Student Unions (ABFSU) on Saturday [19 February]...The

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<sup>198</sup> AI, '[AI report 2023](#)', (Myanmar 2022), 27 March 2023

<sup>199</sup> AAPP, '[Deaths in junta detainment](#)', 27 March 2023

<sup>200</sup> HRW, '[Rights of Women Violated in Myanmar Prisons: Few Toilets, No Menstrual ...](#)', 8 June 2021

<sup>201</sup> BBC News, '[Myanmar coup: The women abused and tortured in detention](#)', 9 December 2021

woman described in the statement is an ABFSU member, a spokesperson for the organisation told Myanmar Now. “The woman that was raped has several injuries and has been denied medical attention,” the spokesperson said. “We heard that she was also being held alone in an isolation cell at Obo Prison.” She is said to have been interrogated for months at the centre and has been denied visits with her family or a lawyer, even since her transfer to Obo, a notorious Mandalay-based prison.’<sup>202</sup>

12.4.4 Radio Free Asia (RFA), reported on 10 June 2022: ‘Authorities in Myanmar’s notorious Insein Prison have cut off the drinking water supply to the cells of female political prisoners who protested poor living conditions in the facility after a fellow inmate who was denied medical treatment suffered a miscarriage, sources said Friday [10 June]... The source said that some of the prisoners have contracted cholera and other diseases after drinking the unclean water.’<sup>203</sup>

12.4.5 The Irrawaddy reported on 5 July 2022:

‘A transgender prisoner detained in Sagaing Region’s Monywa Prison for anti-junta activities has been sexually abused by a prison officer, said LGBT Alliance-Myanmar. [The] Prison officer ...forced the prisoner into performing oral sex on him on June 30 and also attempted to have anal sex... The LGBT Alliance-Myanmar issued a statement condemning the sexual assault... a spokesperson for the LGBT Union Mandalay, said that the report came from credible sources inside Monywa Prison and that the group is making further inquiries. The transgender prisoner was detained at home around one month ago and charged with incitement. The prisoner has reportedly been forced to wear male clothes while in jail.

‘Since the coup, female detainees have especially suffered from sexual abuse inside prisons, but sexual assaults on male and LGBTQ prisoners are on the increase. ... Over 20 LGBTQ detainees have experienced sexual assaults in prisons, according to sources.’<sup>204</sup>

12.4.6 Amnesty International (AI), noted in a briefing, dated 2 August 2022:

‘Some women detainees and LGBTI detainees were subjected to sexual violence, harassment and humiliation including invasive body searches as a method of torture during interrogation and detention...

‘... Saw Han Nway Oo, who goes by the name “A Saw”, is a transwoman who was arrested and detained in 2021 by military forces on suspicion of having attended military training in an ethnic armed area. She was taken to the Mandalay Palace interrogation centre, which is notorious for torture. The security forces held and interrogated A Saw for three days during which they scratched her knees with sharp objects and sprayed methylated spirit over her bleeding wounds and mocked her for using female pronouns. She was not given any food or water for three days.

‘Women are at particular risk of torture and other ill-treatment during detention because sexual abuse and violence may be used as a means of

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<sup>202</sup> Myanmar Now, ‘[Junta forces raped three detainees in Mandalay ...](#)’, 22 February 2022

<sup>203</sup> RFA, ‘[Guards deny female inmates drinking water after protest in Myanmar’s ...](#)’, 10 June 2022

<sup>204</sup> The Irrawaddy, ‘[Transgender Political Detainee Sexually Abused by Prison Officer ...](#)’, 5 July 2022

coercion and to extract confessions. Furthermore, lesbian, gay, bisexual, and transgender detainees report higher rates of sexual, physical and psychological violence in detention than the general prison population. Violence against these individuals in custodial settings is prevalent. Humiliating and invasive body searches, as experienced by A Saw, may constitute torture or other ill-treatment, particularly for transgender detainees.<sup>205</sup>

12.4.7 BNI reported on 29 August 2022:

‘According to the data released [by] ...AAPP, the number of women political prisoners hit a record under the military council led by General Min Aung Hlaing...more than 3,100 women were arrested from last year’s February 1 [2021] until August 27 this year [2022], of which more than 2,400 are still in custody and more than 700 have been released. An official from AAPP noted that under this military regime, more women political prisoners were arrested than during previous coups...

... After their arrest, women in interrogation centers, prisons, and detention centers are subjected to abuse, sexual assault, and violations of their basic human rights, according to the survivors.’<sup>206</sup>

12.4.8 The HRW, in its World Report 2023 – Myanmar, 12 January 2023, noted: ‘Since the coup, women have also reported sexual violence and other forms of gendered harassment and humiliation from police and military officials.’<sup>207</sup>

12.4.9 On 20 February 2023, The Irrawaddy reported:

‘Myanmar junta prison staff have been beating and torturing female political prisoners held in Mandalay’s Obo Prison. At least 30 women detainees are now being held separately, after over 100 female inmates were injured by prison staff in January, according to a letter smuggled out of the jail.

‘The civilian National Unity Government (NUG) said that there was further violence against female inmates in Obo Prison in early February, with 20 women political prisoners seriously injured by jail staff. The violence in January started when one female inmate was beaten up by prison staff after an argument over shower time on January 1, prompting jail officials to beat and torture inmates held in both the prison and the hospital wing.

“They used stun-guns, batons and a catapult against the prisoners. Some of the inmates covered themselves in blankets, but were still beaten,” the letter states. The women have also been banned from taking showers and are having to use water from the toilets to wash, the letter added. “The prisoners were not only tortured, but are now being given little food,” the letter said.’<sup>208</sup>

12.4.10 The Bangkok Post reported on 10 March 2023:

‘In early February [2023], four members of an anti-junta group in the Myanmar city of Mandalay said they received a secret, one-page, handwritten note spirited out of a prison that details two days of clashes and beatings of female political prisoners. The note, received by the “Anti-Junta

<sup>205</sup> AI, ‘[Myanmar: 15 days felt like 15 years: Torture in detention ...](#)’ (pages 4 & 9-10), 2 August 2022

<sup>206</sup> BNI, ‘[Women political prisoners at record high under military council](#)’, 29 August 2022

<sup>207</sup> HRW, ‘[World Report 2023 – Myanmar](#)’, 12 January 2023

<sup>208</sup> The Irrawaddy, ‘[Myanmar Regime Torturing Female Political Prisoners in ...](#)’, 20 February 2023

Forces Coordination Committee-Mandalay” and since seen by Reuters, provides the first detailed account of a crackdown on defiant female prisoners inside Mandalay’s Obo prison that left scores of women injured, according to six activists and lawyers who work with political prisoners .... Two lawyers, two family members of inmates and the human rights minister from Myanmar’s exiled parallel civilian government confirmed the information contained in the note. Reuters could not independently verify the authenticity of the note or the details it contains...

‘Inside the prison... an altercation between an inmate and a prison official on Feb 3 led to around 150 male prison guards arriving with slingshots, batons and bamboo sticks, the note, written in Burmese, said. “During that incident, more than 100 female political prisoners were seriously injured including a broken arm, eye injuries and facial bruises,” the note said...

‘In the second week of February, the parallel civilian government said in a social media post that 150 male guards at Obo prison had “violently beaten up” women inmates, supporting the version of events that the activists, lawyers and family members separately provided to Reuters. Of the 100 female inmates injured in the clashes, all aged between 20 and 35, 21 were seriously injured... The note did not specify injuries or provide such detailed figures...

‘Aung Myo Min, the human rights minister in Myanmar’s exiled parallel civilian government, said Obo prison authorities had violated prison rules by using male guards to handle female inmates...[“]They used excessive force,” ... adding that his ministry had investigated the violence at Obo prison. He declined to explain how the investigation was conducted and offered no evidence to support the allegation...

‘After the violence, 72 female political prisoners were isolated from other inmates at Obo and dozens were transferred to other jails without their families being notified, according to three activists, two lawyers and two family members.’<sup>209</sup>

12.4.11 With regard to female political prisoners, the USSD Report 2022 noted: ‘According to nongovernmental organizations (NGOs), women in custody were subjected to sexual and gender-based violence, and verbal abuse. Women who reported sexual violence faced further abuse by police and the possibility of being sued for impugning the dignity of the perpetrator.’<sup>210</sup>

12.4.12 Considering prison conditions for female prisoners specifically, the USSD Report 2022 noted: ‘Conditions for women were deplorable, with a lack of access to sufficient toilets and no privacy. Prison guards denied requests for sanitary products for menstruation and other basic hygiene products. According to local media reports, after the coup, women in detention experienced higher levels of sexual and gender-based violence, harassment, and humiliation by officials.’<sup>211</sup>

See also [Civil Disobedience Movement \(CDM\)](#) and [Military response to](#)

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<sup>209</sup> Bangkok Post, ‘[Beatings of women in Myanmar jail alleged](#)’, 10 March 2023

<sup>210</sup> USSD, [Human rights report 2022](#) (section 1C), 20 March 2023

<sup>211</sup> USSD, [Human rights report 2022](#) (section 1C), 20 March 2023



## 12.5 Judicial process

- 12.5.1 The UN Independent Investigative Mechanism for Myanmar is mandated to collect evidence of the most serious international crimes committed in Myanmar and to prepare files that can facilitate prosecutions of those responsible in national or international courts. The 20 June 2022 statement noted:

‘The Myanmar military announced on 3 June 2022 that it intends to execute four individuals who have been sentenced to death by a military court. The available information strongly suggests that under international law, fundamental rights of the convicted persons were blatantly violated in these proceedings...it appears that there were no public proceedings nor are the judgments publicly available. The secrecy of proceedings is itself a violation of one of the most basic principles of a fair trial, and casts doubt on whether any of the other fair trial guarantees have been respected, such as the requirement that the tribunal was impartial and independent.’<sup>212</sup>

- 12.5.2 HRW, in its World Report 2023 – Myanmar, 12 January 2023, opined:

‘The military junta has carried out grossly unfair trials in closed courts to impose lengthy and often harsh sentences...’In July [2022], the junta executed four men—the country’s first death sentences carried out in more than 30 years. The men were former opposition lawmaker Phyo Zeya Thaw, prominent activist Kyaw Min Yu, known as “Ko Jimmy,” Hla Myo Aung, and Aung Thura Zaw, all of whom were convicted after closed trials that fell far short of international standards.’<sup>213</sup> HRW also noted following these executions, death sentences were handed down by military courts to 10 people, including 7 university students<sup>214</sup>.

- 12.5.3 The USSD Report 2022 noted ‘serious problems with the independence of the judiciary’<sup>215</sup> and:

‘The constitution provides for an independent judiciary, a protection the regime has not respected... Military-appointed judges maintain an absolute majority on the court. Judicial corruption was a significant problem...

‘Regime-declared martial law continued in numerous townships across the country; in those areas military commanders held all judicial (and executive) power. In martial law courts, defendants had few or no rights.

‘...While the right to counsel remains in the law, many defense lawyers were unwilling to handle prodemocracy cases due to fear for their personal safety...According to the Institute for Strategy and Policy, most sentencing occurred in absentia, including the death sentence.’<sup>216,217</sup>

- 12.5.4 The USSD also noted: ‘The law does not prohibit arbitrary arrest. Persons

<sup>212</sup> UN The Mechanism, ‘[Death sentences announced by Myanmar military...](#)’ 20 June 2022

<sup>213</sup> HRW, ‘[World Report 2023 – Myanmar](#)’, 12 January 2023

<sup>214</sup> HRW, ‘[Myanmar: Junta Sentences 10 Prisoners to Death](#)’ 5 December 2022

<sup>215</sup> USSD, ‘[Human rights report 2022](#)’ (Executive Summary), 20 March 2023

<sup>216</sup> USSD, ‘[Human rights report 2022](#)’, (Section 1E), 20 March 2023

<sup>217</sup> USSD, ‘[Human rights report 2022](#)’, (Section 1E), 20 March 2023

held generally were unable to exercise their legal right to appeal the legality of their arrest or detention either administratively or before a court... The law allows authorities to order the detention without charge or trial of anyone they believe is performing or might perform any act that endangers the sovereignty and security of the state or public peace and tranquility.’<sup>218</sup>

12.5.5 The UN Special Rapporteur noted in March 2023 ‘Sham trials continue, with many political prisoners handed lengthy prison sentences on charges relating to incitement, treason, terrorism, and contact with “unlawful” organizations.’<sup>219</sup>

12.5.6 The AI report 2023 noted

‘Grossly unfair trials of people arrested since the coup took place behind closed doors in makeshift courts inside prisons. In areas under martial law, trials took place in military courts where defendants were denied legal representation and the right to appeal. Pro-democracy activists, opposition politicians, human rights defenders and journalists were among more than 1,000 people convicted during the year and sentenced, including to death and long prison sentences with hard labour. Lawyers defending political detainees faced arrest, threats and harassment... In October, Magway District Court sentenced ex-NLD parliamentarian Win Myint Hlaing to 148 years in prison on terror-related charges. Around the same time, Aung Khant, Kyaw Thet and Hnin Maung were also found guilty of involvement in the armed resistance movement and sentenced to prison terms of between 95 and 225 years under the Counter-Terrorism Law.’<sup>220</sup>

12.5.7 For more detail on arbitrary arrest, the judiciary and the right to fair trial generally see the [USSD report 2022](#) sections 1D and 1E

See also [Profiles of those arrested / imprisoned](#), [Treatment of political prisoners](#)

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## 12.6 Amnesty

12.6.1 On 17 April 2022, Al Jazeera reported: ‘Myanmar’s military has started releasing more than 1,600 prisoners to mark the Southeast Asian nation’s traditional New Year festivities, but no political detainees were freed despite the country’s ruling general promising to restore peace this year.’<sup>221</sup>

12.6.2 The same article continued: ‘Myanmar Prisons Department Spokesman Khin Shwe said that those released were mostly drug offenders and petty criminals. This New Year’s amnesty was a fraction of the one a year ago, when 23,000 people were freed from jails.’<sup>222</sup>

12.6.3 HRW and the USSD noted the release of almost 6000 prisoners in November 2022 in an amnesty as part of National Day<sup>223 224</sup>.

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<sup>218</sup> USSD, ‘[Human rights report 2022](#)’, (Section 1D), 20 March 2023

<sup>219</sup> OHCHR, ‘[Situation of human rights in Myanmar](#)’ (paragraph 27), 9 March 2023

<sup>220</sup> AI, ‘[AI report 2023](#)’, (Myanmar 2022), 27 March 2023

<sup>221</sup> Al Jazeera, ‘[No political prisoners released in Myanmar holiday amnesty](#)’, 17 April 2022

<sup>222</sup> Al Jazeera, ‘[No political prisoners released in Myanmar holiday amnesty](#)’, 17 April 2022

<sup>223</sup> HRW, ‘[World Report 2023 – Myanmar](#)’, 12 January 2023

<sup>224</sup> USSD, ‘[Human rights report 2022](#)’, (Section 1E), 20 March 2023

- 12.6.4 The UN Special Rapporteur noted in March 2023, ‘While the SAC vigorously publicized the amnesty of more than 12,000 prisoners on 17 November 2022 and 4 January 2023—Myanmar’s National Day and Independence Day, respectively—AAPP informed the Special Rapporteur that only about 700 of those released were political prisoners.’<sup>225</sup>
- 12.6.5 The USSD noted that the November 2022 amnesty included: ‘...an estimated 700 political prisoners such as former NLD [National League for Democracy] spokesperson Myo Nyiunt and prominent prodemocracy advocate Mya Aye.’<sup>226</sup>
- 12.6.6 The USSD further noted: ‘The regime also released more than 800 prisoners February 12 as part of an amnesty marking Union Day that did not include any political prisoners. The regime also announced the release of 46 individuals detained on suspicion of ties to the Arakan Army, an EAO [ethnic armed organisation], and of more than 1,600 inmates, including 42 foreigners, to mark the Buddhist New Year on April 17. No political prisoners were amnestied in April.’<sup>227</sup>
- 12.6.7 The AI report 2023 noted ‘In November [2022], 402 political activists were among more than 5,000 prisoners released to mark National Day’.<sup>228</sup>
- 12.6.8 See also [Profiles of those arrested / imprisoned](#)

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This section was updated on 12 July 2022

## 12.7 Avenues of redress

- 12.7.1 The USSD Report 2022 noted:
- ‘The law allows complainants to use provisions of the penal code and laws of civil procedure to seek civil remedies for human rights abuses. Individuals and organizations may not appeal an adverse decision to regional human rights bodies but may make complaints to the regime-controlled Myanmar National Human Rights Commission. The ability of complainants to raise human rights abuses through the judicial system or the commission remained limited.’<sup>229</sup>
- 12.7.2 The USSD Report 2022 added: ‘Impunity for abuses by regime officials and security forces was absolute. There was no credible information that the regime took actions to prosecute or punish those responsible for human rights abuses or corruption.’<sup>230</sup>

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This section was updated on 29 March 2023

## 13. Freedom of speech and media

### 13.1 Legal rights

<sup>225</sup> OHCHR, ‘[Situation of human rights in Myanmar](#)’ (paragraph 26), 9 March 2023

<sup>226</sup> USSD, ‘[Human rights report 2022](#)’, (Section 1E), 20 March 2023

<sup>227</sup> USSD, ‘[Human rights report 2022](#)’, (Section 1E), 20 March 2023

<sup>228</sup> AI, ‘[AI report 2023](#)’, (Myanmar 2022), 27 March 2023

<sup>229</sup> USSD, ‘[Human rights report 2022](#)’, (Section 1E), 20 March 2023

<sup>230</sup> USSD, ‘[Human rights report 2022](#)’, (Executive Summary), 20 March 2023

#### 13.1.1 The USSD Report 2022, noted:

‘The 2008 constitution provides that “every citizen shall be at liberty in the exercise of expressing and publishing freely their convictions and opinions,” but it contains the broad and ambiguous caveat that exercise of these rights must “not be contrary to the laws enacted for national security, prevalence of law and order, community peace and tranquility, or public order and morality.” The regime continued its full-scale crackdown on freedom of expression throughout the year.’<sup>231</sup>

#### 13.1.2 The USSD also noted: ‘Even before the coup, the military could and did use various legal provisions, such as a criminal defamation clause in the telecommunications law, to restrict freedom of expression.’<sup>232</sup>

#### 13.1.3 The FH report 2022 noted that, ‘In February [2021], the military amended sections of the criminal code and the Electronic Transactions Law to include provisions criminalizing antiregime statements...’<sup>233</sup>

#### 13.1.4 According to the Amnesty International Report ‘2021/22; The State of the World’s Human Rights’, (AI report 2022) published 29 March 2022:

‘The military government announced amendments to the Penal Code that criminalized both the intent to criticize and actual criticism of government actions. These included the addition of Section 505(a) which criminalized comments that “cause fear” and spread “false news”, as well as criminalizing individuals “committing or agitating, directly or indirectly, a criminal offense against a government employee”....

‘New provisions were also introduced in the Criminal Procedure Code to allow searches, seizures, arrests, surveillance and interception of communications to take place without warrants’<sup>234</sup>

#### 13.1.5 The Committee to Protect Journalists (CPJ), reporting on 31 January 2023 noted: ‘...Article 505(a) of the penal code, [is] a broad, ill-defined anti-state provision that penalizes “incitement” and “false news” with two- and three-year prison sentences.’<sup>235</sup>

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### 13.2 Repression of free speech

#### 13.2.1 On 20 January 2022, Reuters reported: ‘The military has rescinded media licences, imposed curbs on internet and satellite broadcasts...since its Feb. 1 coup.’<sup>236</sup>

#### 13.2.2 The HRW World Report 2023, noted: ‘... the junta stripped media licenses from five local outlets... banned two other outlets..and also banned satellite television.’<sup>237</sup>

#### 13.2.3 The USSD Report 2022 noted: ‘After the coup, the regime banned

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<sup>231</sup> USSD, ‘[Human rights report 2022](#)’, (Section 2A), 20 March 2023

<sup>232</sup> USSD, ‘[Human rights report 2022](#)’ (section 2A), 20 March 2023

<sup>233</sup> FH, ‘[Freedom in the World 2022 – Myanmar](#)’, (D1), 28 February 2022

<sup>234</sup> AI, ‘[Amnesty International Report 2021/22](#)’, 29 March 2022

<sup>235</sup> CPJ, ‘[On 2-year anniversary of military coup, Myanmar’s junta must stop ...](#)’, 31 January 2023

<sup>236</sup> Reuters, ‘[Myanmar military arrests more journalists in media crackdown-editor](#)’, 20 January 2022

<sup>237</sup> HRW, ‘[World Report 2023 – Myanmar](#)’, 12 January 2023

independent media outlets that did not self-censor reporting on the prodemocracy movement...[and] banned the use of certain terminology in reporting, such as “junta,” “coup d’état,” and “military council...The regime continued to close critical media outlets and shuttered publishers that distributed books not in line with its own narrative.’<sup>238</sup>

13.2.4 The FH report 2023 noted that: ‘Following the coup, the military seized control of state-owned broadcast media, took private broadcasters off the air ... Licenses for several independent media organizations were rescinded in March 2021. However, several independent media outlets continued to provide news coverage, operating in hiding and in exile.’<sup>239</sup>

13.2.5 The same FH report 2023, noted: ‘Private discussion and personal expression—already constrained by state surveillance and laws inhibiting online speech—became more difficult following the 2021 coup. Upon taking power, the regime enacted sweeping revisions of existing legal code, removing several key human rights protections against arbitrary surveillance and banning online circumvention tools to evade surveillance.’<sup>240</sup>

13.2.6 FH also highlighted the extent of freedom of speech in various settings, including universities:

‘Political activity on university campuses is restricted, and universities are not autonomous. Student unions - which have historically been important advocates for human rights - are discouraged, have no formal registration mechanisms, and are viewed with suspicion by authorities.

‘University students and staff played a key role in antimilitary protests and strikes following the February 2021 coup; in response, the military stormed dozens of universities, seizing control of the campuses and detaining or suspending thousands of students and faculty members. Arrests of students and teachers continued in 2022; by July, at least 24 teachers had been killed and more than 200 detained since the start of the coup, according to the Assistance Association for Political Prisoners (AAPP).’<sup>241</sup>

13.2.7 The OCHCR provided information at the 52<sup>nd</sup> Session of the Human Rights Council on 6 March 2023 and noted ‘The rights to freedom of expression, association, assembly, and movement have been increasingly – it appears, strategically – restricted, and continue to strangle media freedoms and civic space.’<sup>242</sup>

13.2.8 See also [Journalists, writers and media workers](#) and [Civil Disobedience Movement \(CDM\)](#)

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### 13.3 Internet and social media

13.3.1 Reuters in its 31 January 2021 article noted ‘The crackdown on VPNs, which anonymise a user’s Internet Protocol address and help bypass firewalls, is the latest attack on digital rights in Myanmar - alongside internet shutdowns

<sup>238</sup> USSD, [Human rights report 2022](#) (section 2A), 20 March 2023

<sup>239</sup> FH, [‘Freedom in the World 2023: Myanmar’](#) (D1), 9 March 2023

<sup>240</sup> FH, [‘Freedom in the World 2023: Myanmar’](#) (D4), 9 March 2023

<sup>241</sup> FH, [‘Freedom in the World 2023: Myanmar’](#) (D3), 9 March 2023

<sup>242</sup> OCHCR, [‘Myanmar: High Commissioner details severe violations...’](#), 6 March 2023



and growing surveillance - since a military coup on Feb. 1, 2021. Authorities say the surveillance measures are part of a drive to improve governance and curb crime.’<sup>243</sup>

- 13.3.2 A May 2022 article by AsiaNews highlighted the prevalence of internet shutdowns in Myanmar, with a total of 15, the second highest in the world recorded in 2021<sup>244</sup>. The article also showed that one of the internet shutdowns in Myanmar in 2021 lasted for 593 days in the Rakhine State<sup>245</sup>. It further stated:

‘Repression in Myanmar followed the military coup of 1 February 2021, which sparked the ongoing civil war. Between 15 February and 28 April 2021, the ruling military junta imposed several curfew-style nightly shutdowns. During such periods, the military increased its violence against civilians, using rubber bullets as well as live ammunition and tear gas against protesters.

‘On 3 March, during a nationwide shutdown, at least 38 protesters were killed in what the UN envoy to Myanmar called “the bloodiest day since the coup”.

‘In the former Burma, connections were deliberately halted to prevent international bodies from investigating war crimes committed by the military – during shutdowns, soldiers torched homes and the air force carried out air strikes, displacing thousands of people.’<sup>246</sup>

- 13.3.3 The FH report 2023 noted that: ‘Following the coup, the military ... severely restricted internet access, including access to social media platforms and news outlets.’<sup>247</sup>

- 13.3.4 The same FH report noted ‘The regime’s legal reforms also severely curtailed freedom of expression. Hundreds of people were arrested and prosecuted under the revised legal code, usually for comments made online; hundreds of others have been forced into hiding or exile to avoid arrest; and many have been killed in protests, targeted by attack, or killed by military execution.’<sup>248</sup>

- 13.3.5 The USSD Report 2022 noted:

‘The regime continued to practice zero tolerance of online dissent. The regime surveilled and censored online content, restricted access to the internet, and prosecuted its online critics. Even before the 2021 coup, the telecommunications law included broad provisions giving the government the power to temporarily block and filter content for the “benefit of the people.” ...

‘In regions perceived as supportive of the opposition, the regime at times simply shut down internet and related communications. ... The regime maintained a “whitelist,” established in May 2021, of at least 1,200 approved websites with local internet service providers and telecommunications

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<sup>243</sup> Reuters, [‘FEATURE-A year after Myanmar coup...’](#) 31 January 2022

<sup>244</sup> AsiaNews, [‘India and Myanmar report a record number of Internet shutdowns in ...’](#), 5 May 2022

<sup>245</sup> AsiaNews, [‘India and Myanmar report a record number of Internet shutdowns in ...’](#), 5 May 2022

<sup>246</sup> AsiaNews, [‘India and Myanmar report a record number of Internet shutdowns in ...’](#), 5 May 2022

<sup>247</sup> FH, [‘Freedom in the World 2023: Myanmar’](#) (D1), 9 March 2023

<sup>248</sup> FH, [‘Freedom in the World 2023: Myanmar’](#) (D4), 9 March 2023

companies...'<sup>249</sup>

13.3.6 RFA reported on 5 May 2022:

'Authorities in Myanmar have arrested more than 200 people for incitement and terrorism since late January [2022] in connection with posts they made to social media in support of opposition groups the junta has labeled terrorist organizations, according to official statements.

'On Jan. 25, the junta announced that anyone posting content in support of the shadow National Unity Government (NUG), Committee Representing the People's Parliament (CRPP), or prodemocracy People's Defense Force (PDF) paramilitaries — intentionally or not — would face lengthy prison terms as well as the loss of their homes and other property.

'In a statement on Thursday, the junta said that it had arrested 229 users for violating the country's Anti-Terrorism Law [drafted in 2013, amid a series of 'terrorist' bombings in cities in October 2013<sup>250</sup>] and a section of the Electronic Communications Law that prohibits distribution of anti-junta propaganda online since authorities began to monitor Facebook for such posts on Jan. 27.'<sup>251</sup>

13.3.7 Yangon based daily newspaper The Global New Light of Myanmar reported on the 21 September 2022:

'Leader of the [State Administration Team] SAC Information ...[announced] those who support the NUG, CRPH and PDFs on social media Facebook will be imprisoned for three to ten years. "Clicking 'Like' or 'Share' of the posts, pictures and videos of NUG, CRPH, PDFs or their supporters are infringing Section 124 (b) of the Penal Code. The punishment will be three to ten years of imprisonment or a fine," clarified the SAC Information Team Leader. The public conversations (comments) and shares on Facebook, which is the most used social platform in Myanmar, are monitored by the Tatmadaw. In addition, news about account owners who support NUG, CRPH and PDFs being identified and arrested were also reported in State-owned newspapers.'<sup>252</sup>

13.3.8 The UN Special Rapporteur noted in March 2023 'The SAC has continued its efforts to establish a digital dictatorship in Myanmar. Internet shutdowns regularly accompany military offensives targeting civilian populations, with all townships in the country affected at some point in 2022 and many communities not having internet connections for the entire year... Pro-military actors have used Telegram and other channels to harass and dox activists and human rights defenders, with women being disproportionately impacted.'<sup>253</sup>

13.3.9 OCHCR provided information to the 52<sup>nd</sup> Session of the Human Rights Council on 6 March 2023 and noted 'Merely "liking" a Facebook post may lead to terrorism charges, with sentences of ten years or more in prison,

<sup>249</sup> USSD, '[Human rights report 2022](#)', (Section 2A), 20 March 2023

<sup>250</sup> Myanmar Government, Ministry of Legal Affairs, '[The Counter Terrorism Law](#)', 4 June 2014

<sup>251</sup> RFA, '[More than 200 arrested for social media posts supporting Myanmar opposition](#)', 5 May 2022

<sup>252</sup> The Global New Light of Myanmar, '[Supporters of NUG...](#)' September 2022

<sup>253</sup> OHCHR, '[Situation of human rights in Myanmar](#)' (paragraph 32), 9 March 2023

following opaque trials that do not meet fair trial standards at all.<sup>254</sup>

#### 13.3.10 OHCHR reported on 13 March 2023:

'Myanmar's military junta is orchestrating an online campaign of terror, and weaponising social media platforms to crush democratic opposition....

"Online rhetoric has spilled into real world terror, with military supporters using social media to harass and incite violence against pro-democracy activists and human rights defenders," the experts said. "Women have been targeted and severely harmed," they said.

'According to the experts, pro-junta accounts regularly use hateful, sexualised, and discriminatory rhetoric in an attempt to discredit women activists and human rights defenders. "Gendered abuse has caused many women to cut back their online activism and retreat from public life," they said.

'The UN experts warned that messaging and social media platforms – Telegram in particular – have become a hotbed of pro-military activity. ...<sup>255</sup>

#### 13.3.11 The AI report 2023 noted 'Authorities intensified both on- and offline surveillance, further diminishing the space for freedom of expression.'<sup>256</sup>

(See also [Military response to opposition](#)).

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This section was updated on 28 March 2023

## 14. Sur place activity

### 14.1 Diaspora in the UK

14.1.1 On 25 May 2005, Michael Jeewa, Chief Executive of the Myanmar / Burma Relief and Welfare Association, aimed at assisting Burmese migrants in the UK, stated: 'We estimate 8,000 Burmese people live in the UK: 5,000 in London and most of the others in Cardiff, Portsmouth and Gosport.'<sup>257</sup>

14.1.2 CPIT could not find up-to-date information pertaining to the size of the Myanmarese / Burmese diaspora in the UK in the sources consulted (see [Bibliography](#)).

14.1.3 The Myanmarese / Burmese embassy is located at 19A Charles Street London, W1J 5DX, United Kingdom<sup>258</sup>.

14.1.4 On 8 April 2021, the BBC reported:

'Myanmar's ex-ambassador in London spent Wednesday night in his car after saying he was locked out of his embassy. Kyaw Zwar Minn said staff were asked to leave the building by Myanmar's military attaché, and he was dismissed as the country's representative.

'British Foreign Secretary Dominic Raab has condemned the "bullying actions," but the UK has accepted the change... "There was a coup in

<sup>254</sup> OHCHR, '[Myanmar: High Commissioner details severe violations...](#)', 6 March 2023

<sup>255</sup> OHCHR, '[Myanmar: Social media companies must stand up to junta's ...](#)', 13 March 2023

<sup>256</sup> AI, '[AI report 2023](#)', (Myanmar 2022), 27 March 2023

<sup>257</sup> The Guardian, '[Michael Jeewa](#)', 25 May 2005

<sup>258</sup> Embassy pages, '[Embassy of Myanmar in London, United Kingdom](#)', no date

Myanmar in February. Now there is the same situation in central London," he said, adding embassy staff were being threatened with "severe punishment if they don't continue to work for the military general".

'Police were reportedly called to stop staff re-entering the building. Protesters gathered outside after news spread that the ambassador had been locked out. According to the Vienna Convention on diplomatic relations, an ambassador's job officially ends once the host country has been informed. The Foreign Office confirmed it received the notification, and that it "must accept the decision taken by the Myanmar regime".'<sup>259</sup>

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## 14.2 Overseas intelligence-gathering and monitoring by military junta

### 14.2.1 RFA noted on 23 March 2023:

'Authorities in western Thailand's Tak province detained as many as 108 Myanmar nationals Wednesday in a series of raids on buildings believed to house members of anti-junta groups, confiscating what they claimed was military equipment. The raids took place ...along the border with Myanmar, and followed intelligence reports that members of Myanmar's anti-junta People's Defense Force paramilitary groups were being sheltered, according to reports from residents and the Bangkok Post.'<sup>260</sup>

### 14.2.2 CPIT could not find information about the military junta's UK intelligence-gathering capabilities and monitoring of the diaspora, in the sources consulted (see [Bibliography](#)).

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<sup>259</sup> BBC, '[Myanmar's ex-UK envoy says military attaché has 'occupied' embassy](#)', 8 April 2021

<sup>260</sup> RFA, '[Thai police seeking anti-junta activists...](#)' 3 March 2023

# Research methodology

The country of origin information (COI) in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

All the COI included in the note was published or made publicly available on or before the 'cut-off' date(s). Any event taking place or report/article published after these date(s) is not included.

Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources

Wherever possible, multiple sourcing is used and the COI compared and contrasted to ensure that it is accurate and balanced, and it provides a comprehensive and up-to-date picture of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

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# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of the issues relevant to the scope of this note and forms the basis for the [country information](#).

The Home Office uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- **Political history**
  - Background
  - February 2021 military coup
  - Post coup
- **Protests of 2021 and 2022**
  - Size and number of events in 2021
  - Protest symbols in 2021
  - Nature of protests in 2022
  - Five-Point Consensus (5PC)
- **Political groups / civil movements**
  - Legal context
  - Civil Disobedience Movement (CDM)
  - National Unity Government (NUG)
- **Armed Organisations**
  - EAOs in Myanmar
  - Other armed groups
- **Military response to opposition**
  - protesters and activists
  - journalists, writers and media workers
  - political opposition leaders, members, supporters
  - harassment and violence against civilians
  - surveillance
- **Political prisoners**
  - Number and treatment of political prisoners
  - Profiles of those arrested / imprisoned
  - Treatment of women and LGBTI persons
  - Judicial process
  - Amnesty

- Avenues of redress
- **Freedom of speech and media**
  - Legal rights
  - Repression of free speech
  - Internet freedom
- **Sur place activity**
  - Diaspora in the UK
  - Overseas intelligence-gathering and monitoring by military junta

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# Version control and feedback

## Clearance

Below is information on when this note was cleared:

- version **5.0**
- valid from **6 June 2023**

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### **Official – sensitive: Not for disclosure – Start of section**

The information in this section has been removed as it is restricted for internal Home Office use only.

### **Official – sensitive: Not for disclosure – End of section**

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## Changes from last version of this note

Updated country information and assessment.

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## Feedback to the Home Office

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the Country Policy and Information Team.

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## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

### **Independent Advisory Group on Country Information**

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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