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Myanmar

Since staging a coup on February 1, 2021, the Myanmar military has carried out a brutal nationwide crackdown on millions of people opposed to its rule. The junta security forces have carried out mass killings, arbitrary arrests, torture, sexual violence, and other abuses that amount to crimes against humanity. Freedom of speech and assembly face severe restrictions.

Expanded military operations have resulted in numerous war crimes against ethnic minority populations in Kachin, Karen, Karenni, and Shan States. The military has also committed abuses including using “scorched earth” tactics, burning villages in Magway and Sagaing regions. The Myanmar military has long defied international calls for accountability, including for atrocity crimes committed against the Rohingya and other ethnic minorities. The junta’s ineptitude and mismanagement of the country’s economy since the coup has heightened the suffering of the population and entrenched a climate of fear and insecurity.

Torture, Political Executions, Deaths in Custody

Since the coup, junta authorities have arbitrarily arrested more than 16,000 pro-democracy supporters. Many former detainees alleged torture or other ill-treatment, such as sexual violence, during their detention. One journalist recounted after his release that guards raped and beat him in 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. At least 273 people have died in police or military custody in police stations, military interrogation centers, and prisons since the coup, according to the United Nations Office of the High Commissioner for Human Rights (OHCHR). The military junta has carried out grossly unfair trials in closed courts to impose lengthy and often harsh sentences. By November 2022, the junta’s security forces killed at least 2,400 persons, according to the nongovernmental Assistance Association for Political Prisoners.

The junta brought multiple charges against Aung San Suu Kyi, the leader of the ousted National League for Democracy party, including for corruption, incite-

ment, and breaching the Official Secrets Act. In September, three of her deposed cabinet ministers—Soe Win, Sett Aung and Kyaw Win—and Australian economic adviser Sean Turnell were convicted under the Official Secrets Act and each sentenced to three years’ imprisonment. Earlier that month, Aung San Suu Kyi and former President Win Myint were each sentenced to three years and hard labor under electoral fraud charges. The multiple convictions meant Aung San Suu Kyi faces more than 23 years in prison.

In November, the junta announced the release of up to 6,000 prisoners as part of a National Day amnesty. These included several individuals arbitrarily detained, including Australian professor Sean Turnell, former United Kingdom ambassador to Myanmar Vicky Bowman and her husband Hein Linn, Japanese filmmaker Toru Kubota, and American botanist Kyaw Htay Oo.

In July, 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.

War Crimes and Other Atrocities

The military’s indiscriminate use of artillery and airstrikes has killed and injured numerous civilians, damaged villages, including schools, and forced thousands to flee. Blocks to mobile internet data and networks are ongoing in many parts of the country where anti-junta opposition has resulted in clashes between the Myanmar military and pro-democracy armed groups.

On September 16, military helicopters fired rockets and machine guns before an infantry attack on a school in Let Yet Kone, Sagaing Region, killing at least 13 people, including seven children. UN Secretary-General Antonio Guterres “strongly” condemned the attack, saying, “Attacks on schools and hospitals in contravention of international humanitarian law also constitute one of the six grave violations against children in times of armed conflict strongly condemned by the Security Council.”

A separate airstrike the same day in Moebye, Shan State, on an internally displaced person’s (IDP) camp killed four people, including two children.

On October 23, the military carried out an airstrike on a music concert in Hpakan, Kachin State, organized by the opposition Kachin Independence Organization (KIO) to commemorate the ethnic organization's 62nd anniversary, in an apparent violation of the laws of war. The attack killed at least 80 people and injured over 100. Junta forces subsequently blocked access to medical care for those harmed.

OHCHR reported that military operations destroyed up to 30,000 civilian infrastructures, including schools in Magway and Sagaing Regions, as well as in Kachin, Shan, Karen, and Karenni States. The OHCHR said that since the coup, at least 382 children have been killed; there were 266 other reported deaths following raids and arrests in villages, and another 111 reported cases where victims were burned alive or after extrajudicial killings, in apparent attempts to destroy evidence of crimes.

In July, Amnesty International reported that the military's use of banned landmines in Karenni State amounted to war crimes. The human rights organization Fortify Rights also reported that attacks on civilians in Karenni State constituted war crimes.

In July, a tenuous ceasefire between the ethnic Arakan Army and the Myanmar military ended, resulting in months of renewed fighting, civilian deaths, and forced mass displacements along the border of Rakhine and Chin States, with reports of shelling falling into Bangladesh.

Displaced Populations and Aid

The conflicts in Myanmar have displaced nearly 1 million people internally since the coup, with an additional 70,000 fleeing to neighboring countries. The junta has blocked desperately needed humanitarian aid from reaching millions of displaced people and others at risk, part of its longstanding "four cuts" strategy designed to isolate and terrorize civilian populations. In areas of armed conflict, including in the southeast and northwest, the junta's obstruction of humanitarian assistance violates international humanitarian law.

Security forces imposed new travel restrictions on humanitarian workers, blocked access roads and aid convoys, destroyed non-military supplies, attacked aid workers, and shut down telecommunications services. The military

has also attacked health facilities and medical workers, in violation of international law. Military forces have seized food deliveries and medical supplies en route to displacement sites and arrested people suspected of supporting aid efforts.

In September, following increased fighting between the Arakan Army and military, junta authorities banned UN and international nongovernmental organizations from six townships in Rakhine State and shut down all junta-controlled boats and public transportation serving those townships.

The requisite travel authorization process for humanitarian staff has grown even more erratic and constrained. Local frontline aid workers operate amid grave insecurity, at regular risk of harassment and detention at checkpoints as well as landmines and shelling in civilian areas and displacement sites.

In May, the Association of Southeast Asian Nations (ASEAN) Coordinating Centre for Humanitarian Assistance (AHA Centre) and UN Office for the Coordination of Humanitarian Affairs (OCHA) met with junta officials regarding the ASEAN Humanitarian Assistance Delivery Arrangement Framework, raising concerns that ASEAN and UN aid operations would be further weaponized by junta authorities, without the involvement of local groups or the opposition.

Disrupted supply chains, increasing prices and scarcity of goods, and loss of access to agricultural livelihoods have compounded food shortages around the country. The Myanmar kyat has faced extreme volatility since the coup, contributing to food crises for displaced and conflict-affected populations, as well as in urban and peri-urban areas. An estimated 11 million people are facing acute food insecurity, according to the UN. The junta imposed new banking regulations in September requiring aid recipients to present ID cards to receive cash assistance.

Persecution of Rohingya

About 600,000 Rohingya are effectively restricted to living in Rakhine State, subject to systematic abuses that amount to the crimes against humanity of apartheid, persecution, and deprivation of liberty.

The junta has imposed new movement restrictions and aid blockages on Rohingya camps and villages, including a ban in September on UN and international nongovernmental operations, increasing water scarcity, food shortages, disease, and malnutrition. In April, with the monsoon season looming, the UN reported new junta restrictions on infrastructure projects in the camps, leaving 28,000 Rohingya in unfit longhouses requiring urgent repair, many that “pose life-threatening risks to the inhabitants and other residents.”

The frequency of Rohingya arrests for “unauthorized travel” increased. At time of writing, security forces had detained more than 1,300 Rohingya, hundreds of them children, commonly en route to Malaysia. Many have been sentenced to the maximum penalty of five years in prison.

About 135,000 Rohingya and Kaman Muslims have been held arbitrarily and indefinitely in detention camps for 10 years. The junta continued carrying out its problematic “camp closure” process, which entails replacing temporary longhouses with permanent structures built on top of or near the existing sites, further entrenching segregation and denying Rohingya the right to return to their pre-2012 homes. In August, junta authorities visited camps in Sittwe to collect demographic data and measure plots of land.

Junta authorities have continued rolling out the National Verification Card process as part of its Pan Khin (Flowerbed Project) “citizenship scrutiny” exercise, coercing Rohingya to accept IDs that mark them as foreigners in their own country.

The breakdown of the informal ceasefire between the Myanmar military and Arakan Army and growing struggle for political control has put Rohingya and Rakhine civilians at serious risk of injury, arrest, and displacement.

Michelle Bachelet, then-UN high commissioner for human rights, announced in August following a visit to the Rohingya refugee camps in Bangladesh that “the current situation across the border means that the conditions are not right for returns.”

Shrinking Civic Space and Legal Challenges

Under junta chief Sr. Gen. Min Aung Hlaing, the junta has persistently squeezed civic space and targeted activists for persecution and arrest. On September 20, the junta warned that social media endorsement such as “liking” or “sharing” opponents’ content could result in a prison sentence of up to 10 years.

Lawyers are increasingly harassed by junta authorities when defending political and criminal cases. Closed courts and a lack of due process are just some of the challenges they face. The junta has sought to legitimize its power by arbitrarily changing laws, appointing junta-aligned judges, and arresting lawyers for defending junta opponents.

A law enacted in March formally brought the police under armed forces control, requiring police officers to comply with all military orders, including taking part in military operations.

Sexual Orientation and Gender Identity

Myanmar’s penal code punishes “carnal intercourse against the order of nature” with up to 10 years in prison and a fine. Under the military junta, lesbian, gay, bisexual, and transgender (LGBT) people have been particularly likely to be targeted with sexual violence in custody.

Since the coup, women have also reported sexual violence and other forms of gendered harassment and humiliation from police and military officials.

Key International Actors

In February, the International Court of Justice heard Myanmar’s four preliminary objections to the case brought by Gambia under the international Genocide Convention regarding Myanmar’s alleged genocide against the Rohingya. In July, the court rejected the objections, allowing the case to proceed on the merits. Myanmar has until April 2023 to file its counter-memorial. The United Kingdom, Netherlands, Canada, and Germany have announced plans to support the case through formal interventions.

In March, the United States formally determined that the Myanmar military's atrocities against the Rohingya amount to genocide and crimes against humanity. At the International Criminal Court (ICC), the prosecutor continued his office's investigation into alleged crimes against humanity, based on the completion of these crimes in Bangladesh, an ICC member, following the 2017 atrocities against the Rohingya.

The UN-backed Independent Investigative Mechanism for Myanmar (IIMM), mandated to build case files for criminal prosecution of individuals responsible for serious crimes, reported in July that it had collected and analyzed evidence that "reinforces the Mechanism's assessment ... that crimes against humanity continue to be systematically committed in Myanmar."

The US, UK, Canada, and European Union imposed further sanctions on individuals and entities linked to the junta. In February, the EU imposed sanctions on junta-controlled businesses, including the Myanmar Oil and Gas Enterprise (MOGE), the only government entity to do so thus far. In April, the BURMA Act passed the US House of Representatives, directing US President Joe Biden to sanction individuals who undermine stability and democracy in Myanmar, which now requires passage by the Senate.

In July, French company TotalEnergies withdrew from Myanmar, where it had operated the largest oil and gas field since the 1990s. The exit granted an increased stake in the project to the remaining partners—MOGE, US-based Chevron, and Thai-based PTTET, with PTTET stepping in as operator. Other companies, including Chevron, Woodside, Mitsubishi, Petronas, and ENEOS, announced plans to withdraw at least partially from operations in Myanmar.

Telenor, the Norway-based telecoms company, exited the country in March. The other major foreign telecoms company, Qatar-based Ooredoo, announced the sale of its Myanmar operations in September.

The European Parliament adopted two resolutions condemning ongoing abuses by the junta and urging tougher actions by the European Union. The March resolution recognized the opposition National Unity Government (NUG), Committee Representing Pyidaungsu Hluttaw (CRPH), and National Unity Consultative Council (NUCC) "as the only legitimate representatives of the democratic wishes of the people of Myanmar."

Myanmar continued to defy the "five-point consensus" of ASEAN. The bloc continued to bar junta representatives from high-level meetings, noting at the August Foreign Ministers' Meeting that they were "deeply disappointed by the limited progress in and lack of commitment of the Nay Pyi Taw authorities."

In September, Min Aung Hlaing met with Russian President Vladimir Putin in Moscow. Russia has become the junta's closest ally and main supplier of arms since the coup.

In December, the UN Security Council adopted a UK-drafted resolution denouncing the Myanmar military's rights violations since the coup, in the first Security Council resolution on Myanmar since the country's independence in 1948. All Security Council members voted for the resolution, except for China, India, and Russia, which abstained.

The UN Human Rights Council adopted an EU-led resolution on Myanmar in March and a resolution on the Rohingya led by the Organisation of Islamic Cooperation (OIC) in July. The General Assembly adopted a resolution on Myanmar in November.