

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	708
Land:	Myanmar
Kilde:	Human Rights Watch (HRW)
Titel:	World Report 2024 Myanmar
Udgivet:	12. januar 2024
Optaget på baggrundsmaterialet:	29. januar 2024

World Report 2024



Since the February 2021 military coup in Myanmar, the junta has driven the country further into a human rights and humanitarian catastrophe. At least 55 townships are under martial law. Faced with opposition from the general population and pro-democracy armed groups, the military has struggled to maintain control over the country. The junta's widespread and systematic abuses against the population—including arbitrary arrests, torture, extrajudicial killings, and indiscriminate attacks on civilians—amount to crimes against humanity and war crimes.

Citing ongoing violence, Myanmar's junta postponed a planned so-called election slated for August after extending a "state of emergency" for the fourth time since the coup. The junta announced slightly [reduced sentences](#) for National League for Democracy (NLD) party leader Aung San Suu Kyi and President Win Myint, who are serving lengthy sentences on multiple bogus charges.

Some countries have imposed targeted sanctions, but the international response to the crisis has been uncoordinated. The Myanmar military has yet to face real consequences for the abuses it has committed, both before and since the coup.

Shrinking Civic Space and Junta's Sham "Elections"

In March, the junta announced that the NLD was among 40 political parties and other groups [dissolved](#) for failing to register according to the new Political Party Registration Law. The law's provisions appear intended to delay indefinitely, rather than facilitate, Myanmar's return to civilian democratic rule. Many parties, including the NLD, [refused](#) to comply with the requirement that they register within 60 days of the law's promulgation because they believe the military's proposed "elections" will not be credible.

Under the new law and earlier martial law orders, any election would be dominated by junta-backed political parties and the military itself, which already holds 25 percent of seats in the national and local legislatures under the 2008 Constitution. In the face of widespread political oppression, free and fair elections are not possible in Myanmar for the foreseeable future.

The junta claims it has digitized early census data of up to 51 million individuals and had collected the [biometric data](#) of up to 700,000 individuals by August. The junta's Ministry of Immigration and Population is collecting fingerprints, iris scans, face scans, and other personal details to link this data to citizenship documents, passports, bank details, and purchases, such as for SIM cards and mobile phones. These efforts may increase [digital surveillance](#) of activists, human rights defenders, and opposition members and be used to further scrutinize citizenship rights of ethnic and minority groups.

Targeted Arrests and Denial of Fair Trial Rights

The targeting of activists and rights defenders has escalated over the past year. At least 24,000 anti-coup protesters have been [arrested since the coup](#) and 4,000 killed, according to the Assistance Association for Political Prisoners. The Peace Research Institute of Oslo estimates actual [figures are much higher](#).

In the face of mass arrests, dozens of lawyers in Myanmar have attempted to represent those arrested and provide them a legal defense. At every turn, however, [lawyers have faced systematic obstacles](#) imposed by military authorities and [restrictions impeding their work](#). They themselves have faced threats, arbitrary arrests and detention, and politically motivated prosecution, and in some instances, torture and ill-treatment.

The junta has created "special courts," closed courts inside prisons to fast-track politically sensitive cases. As a result, many cases that would have been heard before regular criminal courts before the coup are now under the jurisdiction of these junta-controlled special courts. Restrictions on lawyers inside special courts have denied suspects their rights to due process and a fair trial.

In parallel, military tribunals that are in operation in townships under martial law determine cases for civilians but are entirely opaque and closed to public scrutiny.

In August, the junta announced the [release of thousands of prisoners](#) in an amnesty that coincided with the reduction of Aung San Suu Kyi's and Win Myint's sentences. However, as in the past, few of those released were political prisoners, and many of those released had already served most of their sentences and were soon [due for release](#). Myanmar's military authorities have long used amnesties as a tool to gain credibility and deflect international pressure.

In September, a court sentenced photojournalist Sai Zaw Thaike, of the banned independent publication *Myanmar Now*, to 20 years in prison with hard labor, in a trial carried out inside Insein prison where he had no legal representation. His sentence is the longest given to any journalist since the coup.

Military Attacks on Civilian Populations

On April 11, the military used a thermobaric bomb during an attack on an opposition building in the village of Pa Zi Gyi in Sagaing Region, killing more than 160 people, including many children. This enhanced-blast type munition caused indiscriminate and disproportionate civilian casualties in violation of international humanitarian law and was an [apparent war crime](#).

Other attacks in which Myanmar's military may be responsible for laws-of-war violations include [airstrikes on April 10](#) in Chin State that killed nine civilians and in [Bago Region](#) on May 2 that killed three civilians. An air and ground assault in Magway Region on April 21 burned [a Japan-funded hospital](#). And in March, after the military captured a town in Shan State, 22 people were [summarily executed](#), with many of the victims bearing marks of torture.

On October 9, the Myanmar military attacked a village hosting hundreds of displaced civilians in Kachin State, killing 28 civilians, including 11 children, committing [an apparent war crime](#).

Across the country, including in other areas such as in [Chin](#), [Kachin](#), Karen, and Karenni States, airstrikes by the military have increased significantly in 2023. Airstrikes in some regions have increased more than [300 percent](#) in the past year. The military has also continued using domestically produced [cluster munitions](#); their use was first recorded in Myanmar after the coup. Cluster munitions are prohibited under a 2008 convention signed by 123 countries; Myanmar has not signed it.

Non-state armed groups have also committed crimes against civilians, including [sexual violence](#) and grave violations against [children](#).

Displacement and Humanitarian Aid

[Nearly 2 million people](#) have been internally displaced and [94,000 refugees](#) have fled to neighboring countries. On October 27, fighting between the military and a coalition of ethnic armed groups and People's Defense Forces caused about 500,000 people across the country to be [newly displaced](#). Many internally displaced people have fled air and ground attacks multiple times. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) said [18 million people](#) required humanitarian aid.

Junta restrictions on humanitarian aid have threatened millions in conflict areas. The Myanmar military has [deliberately blocked](#) aid as a form of collective punishment. The blockages sustain the military's [longstanding "four cuts" strategy](#), in which the armed forces maintain control of an area by isolating and terrorizing the civilian population.

On May 14, Cyclone Mocha—which is tied with another for [strongest tropical cyclone](#) ever recorded in the northern Indian Ocean—made landfall, leaving a trail of destruction and affecting at least [7.9 million people](#) across Chin, Kachin, and Rakhine States and Sagaing and Magway Regions, according to OCHA figures. "The impact of climate change on children and families is clear for all to see," [UNICEF noted following the cyclone](#). Junta authorities refused to authorize travel and visas for aid workers, release urgent supplies from customs and warehouses, or relax onerous and unnecessary restrictions on lifesaving assistance.

The junta's restrictions disregarded many international calls regarding humanitarian aid, most notably the five-point consensus from the Association of Southeast Asian Nations (ASEAN) and the December 2022 UN Security Council resolution, which urged "full, safe and unhindered humanitarian access."

Conflict and reduced agricultural production are contributing to [significant food insecurity](#), according to the UN Food and Agriculture Organization. In addition, a [severe devaluation](#) of the Myanmar currency led to dire banking and supply chain crises and shortages of food, medicine, and other essentials.

Rohingya Apartheid

More than 600,000 Rohingya in Myanmar continue to live under apartheid conditions, facing persecution and effective imprisonment from the junta authorities. Of this population, roughly 140,000 Rohingya [have been confined to camps](#) in central Rakhine State since 2012, denied the right to return to their homes.

The junta continued carrying out the problematic "camp closure" process, which entails replacing temporary longhouses with permanent structures built on top of or near the existing sites, further entrenching segregation. Across the camps in central Rakhine State, fewer than half of all camp shelters have received any repairs over the past two years.

When [Cyclone Mocha hit](#), local junta authorities failed to adequately communicate the storm's risks, assist Rohingya in finding shelter or transportation, or support search-and-rescue operations following the storm.

Bangladesh authorities and the Myanmar junta took steps toward a [pilot repatriation](#) process, which has been marked by coercion and deceit. Conditions for the safe, sustainable, and dignified return of Rohingya did not exist throughout the year.

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.

Women's and Girls' Rights

Since the coup, there has been an uptick in reports of sexual violence and other forms of [gendered harassment](#) by both military and non-state perpetrators. In addition, women and girls remain extremely vulnerable to gender-based violence, particularly in the context of ongoing conflict. Women also reported a significant decline in their ability to participate in politics and education. Sixteen percent of girls and 5 percent of boys are [married before age 18](#), and women and girls are at risk of trafficking for sexual exploitation inside and outside the country.

Key International Actors

Since [passing a resolution](#) on Myanmar in December 2022, the UN Security Council has done little more than issue [a few statements](#). The Myanmar military has continued to ignore the resolution, and the council has taken no further concrete, meaningful actions: it has not instituted a global arms embargo, referred the country situation to the International Criminal Court (ICC), or imposed binding targeted sanctions on junta leadership and military-owned companies.

The European Union passed a [sixth](#) and then a [seventh tranche of restrictions](#) on Myanmar in February and July, imposing sanctions on a total of 99 individuals and 19 entities.

In May, the UN special rapporteur on human rights in Myanmar, Tom Andrews, released a report on the [US\\$1 billion trade in arms and raw materials for weapons](#) since the coup. It traced the flow of weapons and materiel to entities based in Russia, China, Singapore, Thailand, and India. The report described how arms dealers have relied on lax enforcement and avoided sanctions by using "front companies."

In June, the United States [imposed sanctions](#) on Myanmar's defense ministry and two banks, Myanmar Foreign Trade Bank (MFTB) and Myanmar Investment and Commercial Bank (MICB), used by the junta to purchase weapons and other dual-use goods. In response, Singapore's United Overseas Bank, the foreign bank of choice for Myanmar's military, suspended all bank-to-bank transfers. Bangladesh's Sonali bank has also [frozen transfers](#) and accounts of MFTB and MICB.

On August 23, the US extended targeted [sanctions to include aviation fuel](#), citing the Myanmar military's increased attacks on civilians. The US Department of the Treasury's Office of Foreign Assets Control (OFAC) determined sanctions "to be imposed on any foreign individual or entity that operates in the jet fuel sector" of the Myanmar economy. OFAC also designated sanctions on two individuals and one entity involved in the procurement and distribution of jet fuel as well as two other entities owned by the two individuals.

On October 31, the US [imposed a ban](#) on financial transactions involving the Myanmar Oil and Gas Enterprise (MOGE), which goes into effect on December 15. The directive prohibits persons and companies under US jurisdiction from directly or indirectly providing financial services to MOGE, including deposits, transfers, loans, insurance, investments, foreign exchange, and other services. The US, [Canada](#), and [the United Kingdom](#) also coordinated on additional sanctions on individuals and entities.

Earlier in the year, [Canada](#), [the UK](#), and [the EU](#) had imposed targeted sanctions on specific individuals and entities involved in supplying aviation fuel to the Myanmar military. However, at least [five British insurance companies](#) are still providing coverage for aviation fuel deliveries to Myanmar.

In September, ASEAN decided at its annual summit that Myanmar would not be allowed to chair the bloc, whose chair rotates every year in alphabetical order, in 2026. ASEAN member states decided that a “troika,” comprising the immediate past, present, and incoming future chairs of ASEAN, would handle Myanmar issues going forward.

At the ICC, the prosecutor [continued his office’s investigation](#) into alleged crimes against humanity following the 2017 ethnic cleansing campaign against the Rohingya based on the completion of these crimes in Bangladesh, an ICC member country. The Independent Investigative Mechanism for Myanmar continued gathering evidence for future prosecutions.

The Gambia’s case alleging Myanmar’s violation of the Genocide Convention is ongoing before the International Court of Justice, with Myanmar filing its counter-memorial in August. On November 15, Canada, Denmark, France, Germany, the Netherlands, and the UK filed a [joint declaration](#) to intervene in support of The Gambia’s case.