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Home Office

# Country Policy and Information Note
## Myanmar (Burma): Critics of the military regime

**Version 4.0**

**July 2022**

# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the Introduction section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into 2 parts: (1) an assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note - that is information in the COI section; refugee/human rights laws and policies; and applicable caselaw - by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies**:**

- a person is reasonably likely to face a real risk of persecution or serious harm
- that the general humanitarian situation is so severe that there are substantial grounds for believing that there is a real risk of serious harm because conditions amount to inhuman or degrading treatment as within paragraphs 339C and 339CA(iii) of the Immigration Rules / Article 3 of the European Convention on Human Rights (ECHR)
- that the security situation is such that there are substantial grounds for believing there is a real risk of serious harm because there exists a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in a situation of international or internal armed conflict as within paragraphs 339C and 339CA(iv) of the Immigration Rules
- 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.

## Country of origin information

The country information 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.

The structure and content of the country information section follows a terms of reference which sets out the general and specific topics relevant to this note.

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

All information is publicly accessible or can be made publicly available. 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.

Multiple sourcing is used to ensure that the information is accurate and balanced, which is compared and contrasted where appropriate so that a comprehensive and up-to-date picture is provided 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.

### Feedback

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.

### 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:

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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.

# Contents

# Assessment

This section was updated on 12 July 2022

## 1. Introduction

### 1.1 Basis of claim

1.1.1 Fear of persecution and/or serious harm by state actors due to the person's actual or perceived criticism of the military regime.

Back to Contents

### 1.2 Points to note

1.2.1 This CPIN focuses on those who oppose the military-led state. Opposition to the military-led state includes, but is not limited to, persons who may be perceived to oppose the military, such as members of political parties and armed opposition groups, journalists and media workers, bloggers, civil society activists, protesters, human rights lawyers/defenders.

1.2.2 For claims based on the person being Rohingya see the Country Policy and Information Note on Myanmar: Rohingya.

Back to Contents

## 2. Consideration of issues

### 2.1 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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Back to Contents

## 2.2 Exclusion

2.2.1 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.

2.2.2 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).

2.2.3 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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Back to Contents

## 2.3 Convention reason(s)

2.3.1 Actual or imputed political opinion.

2.3.2 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.

2.3.3 For further guidance on Convention reasons see the instruction on Assessing Credibility and Refugee Status.

Back to Contents

## 2.4 Risk

### a. In-country activities

2.4.1 In general, a person is likely to be at 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 profile and activities. Since the coup in February 2021 and the publication of this CPIN, there has been an increase in violence against civilians by state forces. However, a person simply taking part in a demonstration or voicing criticism of the military regime 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.

2.4.2 Whilst the true figure of arrests and detentions is unknown, relative to reported arrest and detention figures, many thousands of people have been involved in protests in Myanmar without consequence and a person is unlikely to be able to establish a well-founded fear of persecution or serious harm simply by virtue of participating in the protests.

2.4.3 However, 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 the protests;
- 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 (see Ethnic Armed Organisations);
- 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

2.4.4 However, each case must be considered on its facts, with the onus on the person to demonstrate that they face a particular risk.

2.4.5 For further guidance on assessing risk, see the instruction on Assessing Credibility and Refugee Status.

2.4.6 The National League for Democracy (NLD) received the majority of votes in a landslide victory in the November 2020 elections. This resulted in the military-backed opposition party claiming electoral fraud. On 1 February 2021, the military arrested leader Aung San Suu Kyi and other prominent members of the NLD, seized control of the government and transferred

power to commander-in-chief General Min Aung Hlaing. An 11-member junta was established to rule under a state of emergency. Both remain in place at the time of writing (see Political History).

2.4.7 The 2008 Constitution provides that 'every citizen shall be at liberty in the exercise of expressing and publishing freely their convictions and opinions,' but exercise of these rights must 'not be contrary to the laws enacted for national security, prevalence of law and order, community peace and tranquillity, or public order and morality.'" Following the coup, the military has amended sections of the criminal code and the Electronic Transactions Law to include provisions criminalizing anti-regime statements (see Freedom of Speech and media – legal rights).

2.4.8 Large-scale and widespread protests against the February 2021 coup and calling for the return of former leader Aung San Suu Kyi took place in many towns and cities, both small and large, across Myanmar, throughout 2021 and into 2022. They drew daily participation of tens, sometimes hundreds, of thousands of people from a range of different backgrounds and professions. Sources have described the protests as the biggest since the 'Saffron Revolution' in 2007 (see Protests in 2021 and 2022).

2.4.9 Throughout February and into March 2021, the UN estimated that millions of people demonstrated whilst US-based organisation ACLED, which compiles figures from news reports and publications by human rights organisations, recorded over 6,000 anti-coup demonstration events throughout 2021 (see Protests in 2021 and 2022).

2.4.10 The UN Special Rapporteur on the situation of human rights in Myanmar estimated that millions of people have protested against the military coup. A number of sources have reported on the military's response to the largely peaceful protests and those who openly oppose the regime. This has included measures such as: killing of protesters, enforced disappearance of opposition supporters, torture, sexual abuse, rape of some detainees, and mass political detentions. Since the February 2021 coup:

- the Assistance Association for Political Prisoners (Burma) (AAPP), a non-profit human rights organisation, estimated that approximately 1,000 people had been killed by the regime in the initial aftermath of the coup, between February and August 2021
- the UN Special Rapporteur reported that by September 2021, approximately 1,000 – 1,040 people had been killed by security forces
- in January 2022, the BBC reported that approximately 1,500 people had been killed by security forces, and
- at the time of writing, AAPP estimate a further 1,000 people have been killed since August 2021, with a total estimate of 2,011 people killed since the beginning of the coup
- AAPP also estimate that 14,264 people have been arrested, of which 11,201 remain in detention (see Political prisoners, Protests in 2021 and 2022).

- Sources including the United States Department of State (USSD), Human Rights Watch, AAPP and the UN Special Rapporteur on the situation of human rights in Myanmar have reported on enforced disappearances and the use of torture and sexual abuse of prisoners. However, exact figures and the true extent and scale of this is unknown.

2.4.11 In response, demonstrators have adopted new tactics, with people arranging various objects on the streets and other public places in protest, 'silent' strikes, flash-mob style protests which have allowed protesters to gather and move quickly down the street before dispersing, and pockets of small-scale protests to avoid detection by the military (see Protests in 2021 and 2022, Military response).

2.4.12 In April 2021, leaders of the Association of Southeast Asian Nations (ASEAN) reached a five-point consensus on the conflict in Myanmar, which called for an immediate cessation of violence and a dialogue among all parties concerned to seek a peaceful solution. However, in the year following this agreement, there has been little progress (see Five-Point Consensus).

2.4.13 Those arrested for their opposition to the military junta have included:

- members of parliament – particularly party members of the NLD
- members of the Union Election Committee (UEC)
- government officials, civil servants, teachers, and healthcare workers
- members of civil society organisations, activists, human rights defenders, and lawyers
- journalists
- celebrities
- family members of prodemocracy supporters
- monks
- protesters (see Profiles of those arrested / imprisoned, Freedom of speech and media and Political prisoners).

2.4.14 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)).

2.4.15 TS was promulgated 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. The available country information suggests that the military are presently less concerned than at the date of the promulgation of TS with any adverse publicity arising from the detention of internationally prominent activists. However, the military regime's response to the protests and those who speak openly and critically of its rule indicate that its tolerance of what it considers a threat to the state (and its control) has not changed significantly since TS was heard (see 2021–2022 protests, Military response, Freedom of association and assembly, Freedom of speech and media, Political prisoners).

2.4.16 Therefore, decision makers should continue to follow the findings in TS, taking into account recent events as documented in this note.

Back to Contents

### b. Sur place activities

2.4.17 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. 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.

2.4.18 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)).

2.4.19 The regime reportedly monitors private electronic communications through online surveillance targeting critics, protesters, and pro-democracy activists in Myanmar. Whether a person is of interest to the military regime and likely to be monitored on return due to their UK based activities will depend on their profile and nature of involvement as outlined in TS.

2.4.20 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, taking into account recent events as documented in this note (see Sur place activity).

2.4.21 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.

2.4.22 For further guidance on assessing risk, see the instruction on Assessing Credibility and Refugee Status.

Back to Contents

## 2.5 Protection

2.5.1 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.

2.5.2 For further guidance on assessing the availability of state protection, see the instruction on Assessing Credibility and Refugee Status.

Back to Contents

## 2.6 Internal relocation

2.6.1 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.

2.6.2 For further guidance on internal relocation see the instruction on Assessing Credibility and Refugee Status.

Back to Contents

## 2.7 Certification

2.7.1 Myanmar is not listed as a designated state under section 94(4). 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.

2.7.2 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).

Back to Contents

# Country information

This section was updated on 12 July 2022

## 3. Political history

### 3.1 Background

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

Back to Contents

### 3.2 February 2021 military coup

3.2.1 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[6]. 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[7], who established an 11-member junta to rule under a year-long state of emergency[8], during which it 'wield[ed] extraordinary powers over the public'[9]. Aung San Suu Kyi, President Win Myint and other leaders of the NLD were arrested[10].

3.2.2 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 in prison[11]. In an article by Reuters on 10 January 2022, the crimes were detailed as follows:

'- Intent to incite, after her party sent a letter in February [2021] to international organisations asking them not to recognise the military government (Penal Code, Article 505[b]). Sentenced to two years in prison last month

'- Breaches of coronavirus regulations during her party's election campaigning in September 2020 (Natural Disaster Management Law, Article 25). Sentenced to two years in prison on Monday after a two-year sentence last month on a similar charge.

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[1] BBC News, Myanmar country profile, 01 February 2021
[2] BBC News, 'Myanmar's coup: Why now – and what's next?' 01 February 2021
[3] BBC News, Myanmar country profile, 01 February 2021
[4] BBC News, 'Why does military still keep 25% of the seats Myanmar Parliament?', 01 February 2016
[5] BBC News 'New Burma constitution published', 09 April 2008
[6] BBC News, 'Myanmar's coup: Why now – and what's next?' 01 February 2021
[7] BBC News, '…coup: Aung San Suu Kyi detained as military seizes control' 01 February 2021
[8] BBC News, 'Myanmar coup: Detained Aung San Suu Kyi faces charges', 03 February 2021
[9] Forbes, 'Myanmar's Military Guarantees Elections Will Be Held…' 16 February 2021
[10] BBC News, '…coup: Aung San Suu Kyi detained as military seizes control', 01 February 2021
[11] Reuters, 'Myanmar's Suu Kyi faces six years in jail after new sentences -source', 10 January 2022

‘- Possession in February of unlicensed walkie-talkies and a set of signal jammers (Export and Import Law, Article 8). One case, maximum 3 years in prison. (Telecommunications Law, Article 67). Sentenced on Monday to two years and one year in jail, respectively, on the charges. The sentences are to be served concurrently.

‘- Obtaining, collecting, recording, or publishing or communicating secret information that could be useful to an enemy (Official Secrets Act). One case, maximum 14 years in prison.

‘- Prosecution for "electoral fraud and lawless actions" (status unclear).

‘- Violations of the anti-corruption law (Sections 55, 63). Six 6 cases, maximum 15 years in prison for each.

‘Allegations include:

‘* Misusing funds from the Daw Khin Kyi Foundation Suu Kyi chaired, to build a home.

‘* Leasing government-owned land at a discounted rate.

‘* Accepting bribes totalling $600,000 and 11.4 kg of gold bars.

‘* Misuse of state funds for renting, buying a helicopter.’[12]

3.2.3 In August 2021, Min Aung Hlaing declared himself prime minister and head of a caretaker government, stating that military rule would be enforced until August 2023, when it has been promised elections will be held[13]. As at May 2022, a state of emergency remained in place across Myanmar[14].

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.

Back to Contents

This section was updated on 23 June 2022

## 4. Protests in 2021 and 2022

### 4.1 Size and number of events in 2021

4.1.1 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]’[15] and that ‘Sunday [7 February 2021] saw the country's largest protests since the so-called Saffron Revolution in 2007’[16], 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.’[17]

[12] Reuters, ‘Factbox: Legal cases against Myanmar's Aung San Suu Kyi’, 10 January 2022
[13] FH, ‘Freedom in the World 2022 – Myanmar’, 28 February 2022
[14] FCDO, ‘Foreign travel advice Myanmar (Burma)’, 6 May 2022
[15] BBC, ‘Myanmar coup: Tens of thousands join largest protests since 2007’, 7 February 2021
[16] BBC, ‘Myanmar coup: Tens of thousands join largest protests since 2007’, 7 February 2021
[17] CFR, ‘Myanmar’s Troubled History: Coups, Military Rule and Ethnic…’, 31 January 2022

4.1.2 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 country'.[18]

4.1.3 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.'[19]

4.1.4 A subsequent Guardian article of 17 February 2021 put the count at 'more than a hundred thousand'[20] who had protested across the country since 1 February. The Irrawaddy reported on 21 February 2021 that the figure was 'hundreds of thousands'[21].

4.1.5 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[22].

4.1.6 The UN Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, reported that in the aftermath of the coup and despite the 'junta's threats… millions have demonstrated in hundreds of townships opposing military rule.'[23]

4.1.7 According to an undated 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'[24], '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.'[25]

4.1.8 Considering how the protests evolved following the coup in 2021, following interviews with 17 people from diverse backgrounds and protest groups from across 5 of Myanmar's states and regions, over a period of months, Amnesty International reported in an article of 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."

[18] VOA, 'Protests Sweep Myanmar to Oppose Coup, Support Suu Kyi', 7 February 2021
[19] AP, 'Ethnic minorities protest Myanmar coup, as opposition grows', 11 February 2021
[20] The Guardian, 'Myanmar: more than 100,000 protest in streets against coup', 17 February 2021
[21] The Irrawaddy, 'Four Dead, More Than 100 Wounded ...', 21 February 2021
[22] Myanmar Now (@Myanmar_Now_Eng on Twitter.com), 'Tweet dated 07:57 UK Time, 21 Feb 2021'
[23] UN, '…Special Rapporteur on the situation of human rights in Myanmar…', para. 5, 4 March 2021
[24] ACLED, 'About', nd
[25] ACLED, 'Myanmar: Continued resistance against the military coup', nd

'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.'[26]

(See also Military response).

Back to Contents

## 4.2 Protest symbols in 2021

4.2.1 The protests against the military coup were symbolised by a number of actions and features. A 7 February 2021 Voice of America (VOA) article noted 'crowds in the biggest city, Yangon, sported red shirts, red flags and red balloons, the color of Suu Kyi's National League for Democracy Party (NLD).'[27]. Joyce Karam, Senior Correspondent at the National (@TheNationalNews) – whose Twitter bio describes itself as 'the UAE and Middle East's premier news source, with top stories, special features and more'[28] – and Adjunct Professor at George Washington University[29] also explained in a tweet on Sunday 7 February that 'Red flags are of [Aung San Suu Kyi's] NLD party ….'[30]

4.2.2 Reuters updated timeline of events on 7 February 2021 also noted the wearing of red ribbons as part of the civil disobedience campaign[31].

4.2.3 A 17 February 2021 article by 3 artists from Yangon explained 'We take selfies of our three fingers raised – a sign of rebellion against the military coup. Once a symbol of dissent in The Hunger Games (2012); now a sign of our revolution against military dictatorship.'[32]

4.2.4 A 15 February 2021 article in the Indian Express explained the origins: 'The gesture, which traces its origins to the Hunger Games books and movies by Suzanne Collins, 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.'[33]

4.2.5 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.'[34]

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[26] AI, 'Myanmar: Activists continue peaceful protests in face of the regime's brutality' 22 April 2022
[27] VOA, 'Protests Sweep Myanmar to Oppose Coup, Support Suu Kyi', 7 February 2021
[28] The National (@TheNationalNews on Twitter.com), 'Twitter Bio', undated.
[29] Joyce Karam (@Joyce_Karam on Twitter.com), 'Twitter Bio', undated.
[30] Joyce Karam (@Joyce_Karam on Twitter.com), 'Tweet dated 15:18 UK Time, 7 Feb 2021'
[31] Reuters, 'Timeline: The week since Myanmar's coup', updated 7 February 2021
[32] Art Review, '…The Art of Protest in Myanmar', 17 February 2021
[33] Indian Express, 'Explained: What the 'three-finger salute' … means', 15 February 2021
[34] The Guardian, 'Myanmar: more than 100,000 protest in streets against coup', 17 February 2021

Back to Contents

## 4.3 Nature of protests: 2022

4.3.1 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, which ousted the democratically elected government of Aung San Suu Kyi on 1 February 2021, continues to face defiant opposition including peaceful protests and an armed resistance.

'On Tuesday, activists plan to hold a "silent strike" and have called for members of the public to stay at home between 10am and 4pm. At the end of the strike, people will clap or bang pots, an act that is traditionally thought to drive out evil spirits, and which is often used as a form of protest against the military…

'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.'[35]

4.3.2 Amnesty International reported on 22 April 2022 that:

'Across the country protests include "flash mobs" in which activists run through the streets for a few minutes before dispersing to avoid being shot, arrested or run over by military vehicles. There are "silent strikes" during which shops and businesses shut, roads are empty and people stay at home to demonstrate defiance to military rule.

'Activists also distribute pamphlets on buses, post messages against the military on walls with stickers or spray paint, and encourage boycotts of goods and services with ties to the military.'[36]

4.3.3 In an April 2022 article by Malay Mail, a Malaysia-based online news source[37], it was reported:

'Myanmar marked its normally boisterous new year water festival with silence and boycotts on Wednesday, as fighting between the military and opponents of the coup raged across the country…

'The Thingyan water festival—part of a cleansing ritual to welcome in the Buddhist new year—is typically marked by jubilant pandemonium as crowds engage in large-scale street water fights.

'But thoroughfares in central Yangon were quiet today, with no sign of the usually disruptive festivities, AFP [Agence France-Presse] correspondents said.

'One small group—among them several children and a soldier—did indulge, splashing each other within the shelter of a sandbagged security post as residents looked on from the other side of the street.

[35] TG, '…junta struggles to prevent protests planned for coup anniversary', 31 January 2022
[36] AI, 'Myanmar: Activists continue peaceful protests in face of the regime's brutality' 22 April 2022
[37] Malay Mail, 'About us', nd

'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.'[38]

Back to Contents

## 4.4 Military response

4.4.1 According to an undated report by ACLED, '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…'[39]

4.4.2 The same report continued:

'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. On 24 December [2021], for example, more than 30 people, including two aid workers, were burned to death by the military in Hpruso township in Kayah state. Earlier in December, in Done Taw village in Sagaing region, 11 villagers were burned to death by the military. 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.'[40]

4.4.3 The Assistance Association for Political Prisoners (AAPP) an independent non-profit organisation founded by former political prisoners of Myanmar, living in exile, noted on 21 August 2021 that:

'In 200 days, the terrorist-like so-called 'State Administrative Council' has murdered (1007) civilians from the pro-democracy movement against the illegitimate coup attempt. Our organization, the Assistance Association for Political Prisoners has been monitoring human rights violations since long before the military coup and began documenting recent fatalities with the fatal shooting of Mya Thwate Thwate Khaing on 9 February in Naypyidaw. Proportionately, an average of five innocent civilians is killed each day by junta.'[41]

4.4.4 In considering the military response to the protests, in a September 2021 report by the UN Special Rapporteur on the situation of human rights in

[38] Malay Mail, 'Dry streets as Myanmar boycotts water festival to protest junta', 13 April 2022
[39] ACLED, 'Myanmar: Continued resistance against the military coup', nd
[40] ACLED, 'Myanmar: Continued resistance against the military coup', nd
[41] AAPP, 'More than 1000 Junta Killings of the Pro-Democracy Movement…', 21 August 2021

Myanmar following the February 2021 coup (UNSR report 2021), it was noted between March and September 2021 that:

'In the seven months since Senior General Min Aung Hlaing and his accomplices in the Myanmar military violently overthrew the Government in an illegal coup d'état, the people of Myanmar have endured widespread, systematic attacks at the hands of the Myanmar police and military. This includes the murder of more than 1,000 people, the arbitrary detention of over 7,000 and the displacement of over 200,000. The brutal campaign of the military junta likely meets the threshold for crimes against humanity and war crimes under international law, and the architects and perpetrators should be held accountable.'[42]

4.4.5 The same report continued:

'Since the coup began, the military junta has murdered at least 1,040 men, women and children in Myanmar, according to credible reporting. 3 Junta-led police and military forces killed protesters in the streets and in homes, beat individuals to death and tortured people in detention in junta-controlled facilities, sometimes to death. The junta continues to systematically violate article 6 of the International Covenant on Civil and Political Rights, in which the inherent right of every person to life is recognized and which states that this right "shall be protected by law" and that "no one shall be arbitrarily deprived of … life".'[43]

4.4.6 The UNSR report 2021 highlighted the prevalence of protesters shot on a variety of occasions[44], including at the 27 March 2021 Armed Forces Day celebration[45], 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."

'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...'[46]

4.4.7 The same report noted that 'The junta continued murdering civilians throughout April, killing at least 200 people, including over 80 people in Bago on 9 April alone. 10 Soldiers killed protesters using rocket-propelled grenades and automatic rifles. Protesters who were injured by gunfire were reportedly denied medical treatment and instead dragged into a Bago temple

[42] UN General Assembly, 'Report of the Special Rapporteur… Myanmar' page 3, 2 September 2021
[43] UN General Assembly, 'Report of the Special Rapporteur… Myanmar' page 4, 2 September 2021
[44] UN General Assembly, 'Report of the Special Rapporteur… Myanmar' page 4, 2 September 2021
[45] UN General Assembly, 'Report of the Special Rapporteur… Myanmar' page 5, 2 September 2021
[46] UN General Assembly, 'Report of the Special Rapporteur… Myanmar' page 5, 2 September 2021

compound by junta forces and left to die.'[47] The same report noted that 'the murders are being conducted throughout Myanmar in a consistent, routinized manner..'[48]

4.4.8 The USSD, referring to reports on events in 2021 from media reports, eyewitness accounts, and social media posts, noted 'On … Armed Forces Day, regime security forces killed more than 100, including 13 children, across the country… Regime security forces met demonstrations on March 28 with further violence, killing at least 22 more individuals.'[49]

4.4.9 The USSD HR report 2021 outlined the junta's approach to monitoring of those perceived to be in opposition to the regime following the coup: 'The law protected privacy and the security of the home, but enforcement of these rights was limited after the coup. Unannounced nighttime household checks were common.'[50]

4.4.10 The same report noted:

'The regime responded [to protests against the coup] with repressive tactics such as the mass arrest of its political opponents and the use of widespread lethal violence against unarmed persons, including men, women, and children… Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; forced disappearances; torture and cruel, inhuman, or degrading treatment and punishment by the regime; gender-based violence by the regime; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; politically motivated reprisals against individuals in another country; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; punishment of family members for offenses allegedly committed by an individual; serious abuses in a conflict, including reportedly unlawful or widespread civilian harm, enforced disappearances or abductions, and torture and physical abuses or punishment…'[51]

4.4.11 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 homes…'[52]

4.4.12 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

[47] UN General Assembly, 'Report of the Special Rapporteur… Myanmar' page 5, 2 September
[48] UN General Assembly, 'Report of the Special Rapporteur… Myanmar' page 6, 2 September 2021
[49] USSD, '2021 Country Report on Human Rights Practices: Burma', page 4, 12 April 2022
[50] USSD, '2021 Country Report on Human Rights Practices: Burma', page 14, 12 April 2022
[51] USSD, '2021 Country Report on Human Rights Practices: Burma', page 2, 12 April 2022
[52] BBC, 'Myanmar: Why once peaceful protesters are now choosing violence', 30 January 2022

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.'[53]

4.4.13 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'. [54]

4.4.14 The same HRW report 2022 reported on the protests following the military coup, including the number of people killed between February and November 2021, though it is unclear how HRW distinguished between 'protesters' and 'bystanders':

'Millions took to the streets across the country in largely peaceful protests to call for the military to relinquish power…The security forces responded… [with] torture, severe deprivation of liberty, enforced disappearances, rape and other sexual abuse, and inhumane treatment…

'Between February 1 and November 1 [2021], the police and military killed at least 1,200 protesters and bystanders, including approximately 75 children…

'On March 14 [2021], the junta imposed martial law in several townships across Yangon and began to enforce additional restrictions in other parts of the country...

'Since the coup, the military has intensified military operations against ethnic armed groups in some areas, such as Chin State. The military's indiscriminate use of artillery and airstrikes has reportedly injured and killed civilians, damaged villages, including schools, and forced thousands to flee.'[55]

4.4.15 The same report further detailed the military response and approach to those protesting against the coup:

'The security forces have engaged in widespread and systematic attacks on civilians throughout Myanmar, including killing protesters, enforced disappearance of opposition supporters, torture, sexual abuse, rape of some detainees, and mass political detentions. On February 21, 2021, the junta stated in the state's Global New Light of Myanmar: "Protesters are now inciting the people, especially emotional teenagers and youth, to a confrontation path where they will suffer the loss of life."

'Many of the 1,200 people killed by police and military since the coup were protesters and bystanders in cities and towns across Myanmar, including Yangon, Mandalay, Bago, Monywa, and other townships in Sagaing Region, Mindat township in Chin State, and many other locations… But in numerous cases in 2021 reported by the United Nations, Human Rights Watch, other human rights organizations, and media, security forces fired on demonstrators who were unarmed and posed no apparent threat…

[53] TG, '…junta struggles to prevent protests planned for coup anniversary', 31 January 2022
[54] HRW, 'World Report 2022 – Myanmar', 13 January 2022
[55] HRW, 'World Report 2022 – Myanmar', 13 January 2022

'On April 9 [2021], military personnel killed an estimated 82 people in Bago in a dawn assault on protesters' barricades and encampments; exact figures have been difficult to determine due to a strong security presence and lack of access to the area by reporters or independent investigators.'[56]

4.4.16 In the United States Department of State Country Report on Human Rights Practices in 2021 in Myanmar, published 12 April 2022 (USSD HR report 2021) it was noted:

'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.

'On February 28, regime security forces killed as many as 26 persons in eight cities and injured scores during a day of massive nationwide demonstrations against the regime. According to multiple media reports, eyewitnesses accounts, and documentary evidence, police arrested hundreds and used tear gas, flash-bang grenades, rubber bullets, and live rounds in confronting demonstrators.

'On March 11, regime security forces shot and killed at least 11 persons in five cities according to multiple media reports, eyewitness accounts, and photographic evidence. Regime security forces used live rounds against unarmed demonstrators in addition to the use of tear gas, flash-bang grenades, and rubber bullets…

'According to media reports, in April regime security forces continued to kill demonstrators and other civilians, including, on April 9, at least 28 persons in Bago Region. The killing came as regime security forces confronted demonstrators and sought to clear residents' makeshift barricades.

'In May the Chin Human Rights Organization reported that the military cremated the bodies of two civilians who were allegedly tortured to death by regime security forces in Chin State's capital Hakha.

'In July local media reported the death of 40 civilians allegedly killed by the military in Sagaing's Kani Township. According to a local resident who spoke with the news website Irrawaddy, "Junta troops raided our villages. We fled and found corpses when we came back to the villages."

'In July local media reported the rape and killing of a 55-year-old woman by three soldiers in Kachin State. The military acknowledged the incident after the family filed a complaint, but no action was known to have been taken against the alleged perpetrators.

'In September local media reported the King Cobra civilian defense group killed an alleged regime informant in Sagaing Region. King Cobra claimed its members committed 26 other killings.'[57]

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

[56] HRW, 'World Report 2021 – Myanmar', 13 January 2022
[57] USSD, '2021 Country Report on Human Rights Practices: Burma', page 4, 12 April 2022

'…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.

'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…'[58]

4.4.18 The same article also highlighted the situation for some activists who have gone into hiding:

'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.

'Most of the activists who spoke to Amnesty said that they have left their homes fearing for their safety, with several not being able to return since February 2021.

'BP, a protest leader who has demonstrated on the streets of Kalay, Sagaing region every day since 7 February 2021, said that a convoy of five vehicles full of soldiers raided his family home three times in one day in September 2021. He is one of four protesters interviewed who said their homes have been raided since going into hiding.

'Many said it is becoming increasingly difficult to find safe places to hide. BP [a protest leader] said he regularly sees strangers who he believes are plainclothes informants loitering near where activists are staying or following them on motorbikes while carrying walkie-talkies.

'U Yaw, a monk from Ayeyarwady region who has been actively protesting since the early days after the coup, had been in hiding since March 2021 when his monastery was raided. During the raid, as U Yaw hid in a toilet stall, he overheard soldiers saying that if they found him, they should "just shoot him dead and get rid of him".

'He fled to Mandalay where he continued his protests, but soldiers and police raided the monastery there where he was hiding in June. He took shelter in another monastery, which was raided by soldiers and police in September 2021. He escaped just in time, but the soldiers and police confiscated his identification documents and cash. U Yaw continued to protest despite the risks.

[58] AI, 'Myanmar: Activists continue peaceful protests in face of the regime's brutality' 22 April 2022

'… 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…'[59]

4.4.19 AAPP noted on 9 May 2022 that:

'According to AAPP documentation, at least (57) houses and buildings have been sealed off by the Junta since the 2021 coup up until April 2022. As of May 9, 2022, (1831) people are now confirmed killed by this junta coup. AAPP compiled and documented (6) fallen heroes today. These (6) fallen heroes from Hpa-An Township in Kayin State, Katha Township and Myinmu Township in Sagaing Region were killed on previous days and documented today. This is the number verified by AAPP. The actual number of fatalities is likely much higher. We will continue adding as and when.'[60]

4.4.20 ACLED also reported in reference to the military response to those who oppose their rule: '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. Aside from the formation of military-backed militias, amid defections and a paucity of new recruits, the military has also ordered family members of soldiers to attend military training.'[61]

4.4.21 On 16 March 2022, Reuters reported:

'Myanmar's military has engaged in systematic human rights violations, many amounting to war crimes and crimes against humanity, the United Nations said on Tuesday, in its first comprehensive human rights report since last year's coup.

'Security forces have shown a flagrant disregard for human life, using air strikes and heavy weapons on populated areas and deliberately targeting civilians, the U.N. High Commissioner for Human Rights, Michelle Bachelet, said.

'Many victims were shot in the head, burned to death, arrested arbitrarily, tortured, or used as human shields, she said in a statement on the report, which urged "meaningful action" by the international community.'[62]

4.4.22 In an article of 7 May 2022 by The Star a Malaysia-based news website[63], when considering the progress of the Five-Point Consensus (5PC) it was noted:

''As one of the 5PC's focuses is to stop all clashes in Myanmar, Saifuddin noted that records have shown otherwise, with increased incidents of armed clashes and attacks on civilians.

[59] AI, 'Myanmar: Activists continue peaceful protests in face of the regime's brutality' 22 April 2022
[60] AAPP, 'Daily briefing in relation to the Military Coup', 9 May 2022
[61] ACLED, 'Myanmar: Continued resistance against the military coup', nd
[62] Reuters, 'Myanmar army engaged in torture, mass killings, war crimes - U.N.', 16 March 2022
[63] The Star, 'About us', nd

'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'[64]

(See also Five-Point Consensus (5PC), Number and treatment of political prisoners and Profiles of those arrested / imprisoned).

Back to Contents

## 4.5 Five-Point Consensus (5PC)

4.5.1 It was reported by Asean Digest, an online platform covering 'Asean affairs from various sources'[65] on April 24 2021 that: 'Leaders of the Association of Southeast Asian Nations (ASEAN) reached a consensus on five points towards resolving the crisis in Myanmar on Saturday, including starting a dialogue and ending violence, ASEAN chair Brunei said… the consensus also included allowing humanitarian help in the country, releasing political prisoners and appointing a special ASEAN envoy to facilitate mediation of the dialogue process.'[66]

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

'"We are concerned that this will turn out to be a hindrance to the implementation of the 5PC," he said in an interview here on Saturday (May 7).

'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…'[67]

4.5.3 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

[64] The Star, 'Asean foreign ministers meeting to discuss Myanmar 5-Point Consensus…', 8 May 2022
[65] Asean Digest, 'About us', nd
[66] Asean Digest, 'Asean leaders reach five-point consensus on Myanmar crisis', 24 April 2021
[67] The Star, 'Asean foreign ministers meeting to discuss Myanmar 5PC issue', 8 May 2022

was not possible to obtain further details or corroboration in sources consulted (see Bibliography).

Back to Contents

This section was updated on 12 July 2022

## 5. Political groups / civil movements

### 5.1 Overview

5.1.1 Freedom House's 'Freedom in the World' report 2022 (FH report 2022), focusing on political rights and civil liberties in Myanmar, outlined the status of political parties in 2021: 'Following the February 2021 coup, political parties continued to function, despite facing considerable restrictions and harassment. A number of prominent lawmakers and nonmilitary political leaders have been arrested by the military regime, and some have been charged with criminal offenses and put on trial, including much of the NLD leadership…'[68]

Back to Contents

### 5.2 Civil Disobedience Movement (CDM)

5.2.1 According to Progressive Voice Myanmar, 'a participatory rights-based policy research and advocacy organisation rooted in civil society'[69], 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[70].

5.2.2 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..' [71].

5.2.3 See also National Unity Government (NUG).

Back to Contents

### 5.3 National Unity Government (NUG)

5.3.1 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.'[72]

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[68] FH, 'Freedom in the World 2022 – Myanmar', 28 February 2022
[69] PVM, 'About', nd
[70] PVM, 'Myanmar's Civil Disobedience Movement', 17 September 2021
[71] PVM, 'Myanmar's Civil Disobedience Movement', 17 September 2021
[72] UN General Assembly, 'Report of the Special Rapporteur… Myanmar' page 18, 2 September 2021

5.3.2 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.'[73] 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[74], and that the NUG '…is actively working to support CDM and tackle the many issues facing post-coup Myanmar.'[75]

5.3.3 In an article by Modern Diplomacy, 'an invaluable platform for assessing and evaluating complex international issues that are often outside the boundaries of mainstream Western media and academia'[76], when reviewing the newly formed NUG, noted 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, which is based on an interim constitution drafted between 1990 and 2008 by NLD lawmakers elected in 1990 and ethnic armed forces in Myanmar's border areas. 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".'[77]

5.3.4 The same article continued:

'The Federal Democracy Charter provides a roadmap for a democratic government of Myanmar abolishing the current constitution. It includes plans to establish a national convention to draft a new constitution. Diversity and consensus mark the formation of the NUG, which addresses the multi-ethnic and multi-national nature of the state of Myanmar. The NUG hopes that it will bring all ethnic nationalities on board as it represents the great diversity and strength of this great nation of Myanmar. The new government aims at maintaining inclusiveness in the governance system aligning all ethnic groups. Calling it "the peoples' government" veteran democracy activist Min Ko Naing emphasized the unity between the pro-democracy movement and autonomy-seeking ethnic minority groups. The understanding between and among the democratic forces as well as ethnic groups and Civil

[73] UN General Assembly, 'Report of the Special Rapporteur… Myanmar' page 18, 2 September 2021
[74] UN General Assembly, 'Report of the Special Rapporteur… Myanmar' page 17, 2 September 2021
[75] UN General Assembly, 'Report of the Special Rapporteur… Myanmar' page 17, 2 September 2021
[76] Modern Diplomacy, 'About MD', nd
[77] Modern Diplomacy, 'The National Unity Government in Myanmar: Role…', 11 May 2021

Disobedience Movement (CDM) organizers may facilitate peace and unity in Myanmar.'[78]

5.3.5 The FH report 2022 noted:

'…Throughout 2021, the NUG operated as an alternate power structure with influence over small pockets of the country, and organized countrywide opposition to the coup. Shortly after the NUG was formed, Myanmar's military leadership classified the NUG, its armed People's Defense Force (PDF), and the CRPH as terrorist organizations, which could result in prosecution and detention for anyone who communicates with the groups' members.'[79]

Back to Contents

This section was updated on 12 July 2022

## 6. Ethnic Armed Organisations (EAOs)

### 6.1 EAOs in Myanmar

6.1.1 An April 2021 article by Foreign Policy, an American magazine focusing on global politics and economics[80], 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. In Myanmar, the EAOs are a variety of rebel groups that range in size from small forces numbering in the hundreds to larger organizations marshaling 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...'[81]

Back to Contents

### 6.2 Pre-coup position of EAOs

6.2.1 The April 2021 article by Foreign Policy, focused on the presence of EAOs in Myanmar, noted:

'While the previously ruling National League for Democracy (NLD) issued statements on addressing federalism after democratization, it was accused of slow-walking reforms. Yet ethnic minority concerns with the NLD pale in comparison to the oppression they suffered under Tatmadaw rule, which explains why they came out to vote in large numbers to support the NLD in November 2020.

[78] Modern Diplomacy, 'The National Unity Government in Myanmar: Role…', 11 May 2021
[79] FH, 'Freedom in the World 2022 – Myanmar', 28 February 2022
[80] FP, 'About us', nd
[81] FP, 'Myanmar Is on the Precipice of Civil War', 8 April 2021

'Prior to the coup, Myanmar's EAOs maintained a variety of arrangements with the government. In 2015, the government and several EAOs—most notably the powerful Karen National Union (KNU)—signed the Nationwide Ceasefire Agreement (NCA) and engaged in a peace process, albeit with little progress. Additional groups remained holdouts outside of the NCA but still agreed to bilateral cease-fires. The largest and most capable of these groups, the United Wa State Army (UWSA), receives arms and covert support from oftentimes autonomous local actors in Yunnan, China, and to date has remained quiet on the coup (perhaps due to Chinese influence).

'Others, such as the Arakan Army, Kachin Independence Army (KIA), Myanmar National Democratic Alliance Army (MNDAA), and Taang National Liberation Army (TNLA)—which together form the Northern Alliance—have engaged in periodic combat over the past decade. These forces also make use of Chinese arms (likely coming through the UWSA) and maintain relatively close ties with China. On occasion, however, temporary cease-fires between the Northern Alliance and the Tatmadaw have prevailed.'[82]

Back to Contents

## 6.3 Post-coup positions of EAOs

6.3.1 The April 2021 article by Foreign Policy, focused on the presence of EAOs in Myanmar, noted:

'The recent coup fundamentally disrupted this status quo. The Tatmadaw quickly moved to reassure the ethnic minorities, presumably worried about its forces being stretched thin. Initially, some EAOs remained silent in the wake of the coup, and the Tatmadaw extended olive branches to others by delisting the Arakan Army, a prominent EAO, as a terrorist organization and organizing peacemaking committees. In the first days after the coup, the NCA signatories appeared to embrace neutrality, but the grouping soon suspended negotiations with the military in late February.

'Two ethnic minority political parties, the Arakan National Party and Mon Unity Party, have sided with—or, at least, acquiesced to—the military takeover. Both parties accepted seats on the regime's new governing body but not without internal controversy. The Tatmadaw's outreach to other minority parties received little welcome. The vice chairman of the Kayah State Democratic Party joined the regime, but party leadership subsequently expelled him.

'Now, worrying signs of renewed fighting are emerging. In a clear sign of escalation, 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. In a sign that the peace process may be breaking down, the 10 NCA signatories publicly demanded a stop to the Tatmadaw's violence and called for accountability. If the Arakan Army, TNLA, MNDAA, and the other

[82] FP, 'Myanmar Is on the Precipice of Civil War', 8 April 2021

NCA signatories join the KNU and KIA in open fighting, much of Myanmar would plunge into civil war.'[83]

6.3.2 In a report by Yusof Ishak Institute (ISEAS) published in June 2021, a research centre dedicated to the study of socio-political, security, and economic trends and developments in Southeast Asia[84], the situations of EAOs in Myanmar was considered, along with their responses to the military coup:

'Broadly, the complexities of the EAO landscape lie along four lines. First, the groups have extremely diverse interests and motives. The Kachin Independence Army (KIA) and the Karen National Liberation Army (KNLA) have arguably borne the brunt of Tatmadaw attacks over the last two decades, even as the latter signed the NCA [President Thein Sein's Nationwide Ceasefire Agreement]. They were the quickest to condemn the military coup, and to launch attacks to reclaim areas they previously controlled. The KIA shot down a Tatmadaw helicopter and reportedly seized 10 Tatmadaw outposts by April, including the strategic hilltop Alaw Bum. The KNLA attacked key Tatmadaw positions in late March and killed scores of soldiers. Another group with an interest in recouping lost territory is the Myanmar National Democratic Alliance Army (MNDAA), or the Kokang group. Somewhat surprisingly, it has not entered into open hostilities to retake control of the Kokang area it lost in 2009. Perhaps biding its time, it has been involved in a number of skirmishes in Shan State alongside its Brotherhood Alliance ally, the Ta'ang National Liberation Army (TNLA). The Alliance reportedly killed dozens of Tatmadaw troops in early May.

'The Brotherhood Alliance condemned the coup in a joint statement on 30 March, but its position remains unclear in many ways. The TNLA has no clear territorial aims, and seems concerned to gain legitimacy with its support base through attacks on Tatmadaw forces. The Arakan Army (AA), the third member of the Alliance, has now gone silent after fierce fighting with the Tatmadaw throughout 2020. Negotiations were making progress between the two sides in December 2020 over the prospect of holding supplementary elections in Rakhine State. Even after the coup, there has been no escalation in fighting. No longer branded a terrorist organisation by the SAC since mid-March, it has done little besides issue statements since its unilateral ceasefire declaration expired at the end of that same month.

'Then there are the United Wa State Army (UWSA), the National Democratic Alliance Army (NDAA), and the Shan State Army-North (SSA-N), all of whom have adopted a wait-and-see approach, remaining quiet on the coup and not making hostile military manoeuvres. At the same time, they have refused to make any deals with the Tatmadaw.

'Other EAOs have worked with newly formed ethnic-based militias to defend their people and areas against Tatmadaw incursions. The Karenni Army and PDFs in Kayah State killed dozens of soldiers in mid-May in Kayah State, while the newly-formed Chinland Defense Force clashed with the Tatmadaw repeatedly in April and May in Mindat.

[83] FP, 'Myanmar Is on the Precipice of Civil War', 8 April 2021
[84] ISEAS, 'About us', nd

'Finally, there are smaller Tatmadaw-aligned Border Guard Forces (BGF) fighting the EAOs, such as Chit Thu's Karen BGF fighting alongside the Tatmadaw against the KNLA, in return for business opportunities.'[85]

6.3.3 The UN Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, reported in March 2021 that he:

'…received credible reports of clashes between the Myanmar Army and EAOs, and daily mortar and shooting attacks by the Myanmar Army against ethnic nationality civilians in Kayin (Karen), Shan, and Kachin states.

'The Myanmar Army increased attacks on civilian-populated areas in Kayin (Karen) villages since the coup, and in the weeks before and since the coup, attacks forcibly displaced more than 7,000 civilians, including an estimated 5,000 in Butho, Dwe Lo, and Luthaw townships, Papun District and 1,500 in Mone and Ler Doh townships, Nyaunglebin District. Since the coup, the attacks by the Myanmar military have displaced an estimated 3,500 Kayin (Karen) civilians. Reportedly, frequent shelling and the threat of being used as forced labor have caused civilians to flee. The Special Rapporteur received reports that the Myanmar military was building up troops and supplies in the area, with over 100 truckloads of supplies arriving in northern Kayin (Karen) State.

'Since the coup, the Special Rapporteur received information on armed clashes in several townships in Shan State, including Kyaukme, Hsipaw, Muse, and Namtu. This fighting resulted in 2,290 newly displaced people since 1 February.'[86]

6.3.4 In a Human Rights Council statement of 21 March 2022, it was noted that 'Thirteen months after the military coup of 1 February 2021, the human rights of the people of Myanmar are in profound crisis. Pre-existing armed conflicts in multiple ethnic states have been inflamed by the systematic use of brutal methods by security forces.'[87]

6.3.5 Amnesty International noted that during 2021 'Fighting between the military government's forces and ethnic armed organizations (EAOs) also escalated.'[88]

6.3.6 In an April 2022 article by Malay Mail, recent clashes between EAOs and the military were outlined:

'As junta-sponsored celebrations took place, fighting between the military and opponents of the coup was reported across Myanmar.

'Near Myawaddy in the east, ethnic rebels clashed with junta troops in the latest day of hostilities that local media reports say have sent hundreds fleeing across the border into Thailand in recent weeks.

'Fighting resumed Wednesday morning along the Asia Highway, which connects Thailand and Myanmar, said Padoh Saw Taw Nee, a spokesman

[85] ISEAS, '…Ethnic Armed Organisations in Post-Coup Myanmar…', 11 June 2021
[86] UN, '…Rapporteur on the situation of human rights in Myanmar…', paras. 88-90, 4 March 2021
[87] OHCHR, 'Interactive dialogue on the situation of human rights in Myanmar', 21 March 2022
[88] Amnesty International, 'Myanmar 2021', nd

for the Karen National Union, which claims to represent the country's Karen minority and has battled the military for decades.

'He added that junta troops had called in multiple airstrikes in recent days.

'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.

'In a separate incident on Monday, the junta said its troops had displaced hundreds of anti-coup fighters and ethnic rebels from Pinlebu town in the region after days of fighting.

'A military source who spoke to AFP on condition of anonymity confirmed that airstrikes had been called in to support ground troops and that heavy fighting had taken place elsewhere in the region in recent days.'[89]

6.3.7 In a 9 May 2022 article by the Irrawaddy, EAOs resistance against the military junta were further highlighted:

'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…

'In a May 5 statement signed by deputy general manager Dong Shiyong of the copper mines, the company said it is closely monitoring the situation for the safety of staff, their families, contractors and the community.

'"Many rumors, false assumptions and baseless accusations regarding our projects have emerged recently and we are deeply concerned about the threats to our staff and their families," the statement said.

'As Wanbao [subsidiary of a Chinese state owned defense firm] is attempting to resume mining after output has been restricted by striking employees since last year's coup, resistance groups said they will attack all sources of funding for the dictatorship by any means.

'Junta soldiers were reportedly killed on May 4 when resistance groups carried out a mine attack on three junta vehicles traveling to copper mines to enhance security.

'This month, 558 revolutionary organizations sent an open letter to Chinese President Xi Jinping, asking Beijing to respect the wishes of Myanmar's people and not to support the regime...'[90]

6.3.8 ACLED reported in an undated, but circa early 2022, 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 Kayin states, which had

[89] Malay Mail, 'Dry streets as Myanmar boycotts water festival to protest junta', 13 April 2022
[90] The Irrawaddy, 'Chinese Mining Giant Wanbao Fears Myanmar Resistance Attacks', 9 May 2022

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.'[91]

Back to Contents

This section was updated on 12 July 2022

## 7. Freedom of speech and media

### 7.1 Legal rights

7.1.1 The USSD HR 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 postcoup regime led a full-scale crackdown on freedom of expression.'[92]

7.1.2 The FH report 2022 noted that, 'In February, the military amended sections of the criminal code and the Electronic Transactions Law to include provisions criminalizing antiregime statements…'[93]

7.1.3 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'[94]

Back to Contents

### 7.2 Repression of free speech

7.2.1 The FH report 2022 highlighted the extent of freedom of speech in various settings, including universities:

'Political activity on university campuses is generally 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

[91] ACLED, 'Myanmar: Continued resistance against the military coup', nd
[92] USSD, '2021 Country Report on Human Rights Practices: Burma', page 18, 12 April 2022
[93] FH, 'Freedom in the World 2022 – Myanmar', section D1, 28 February 2022
[94] AI, ''Amnesty International Report… Myanmar 2021', 29 March 2022

authorities. A 2018 directive from the Ministry of Education required students to submit detailed information in order to get permission to hold events on campus.

'University students and staff played a key role in antimilitary protests and strikes following the February 2021 coup; in March, the military stormed dozens of universities, seizing control of the campuses and arresting hundreds of students and faculty members. In May, more than 11,000 university staff were suspended for striking in protest against the military coup, and those who were not suspended were pressured into declaring allegiance to the ruling junta.'[95]

7.2.2 The FH report 2022 also assessed freedom of speech on an individual basis, and found that:

'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, including those against arbitrary surveillance. The legal reforms also included amendments to the penal code that severely curtailed freedom of expression. In March, the military banned the use of circumvention tools such as virtual private networks (VPNs) and other communications technology in an attempt to keep people from evading surveillance.

'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 a smaller number were killed in protests or targeted for attack.'[96]

7.2.3 The Breaking News Trending, an online news source[97], reported on 5 May 2022 that:

'Authorities in Myanmar have arrested more than 200 people for incitement and terrorism since late January 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 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.'[98]

Back to Contents

[95] FH, 'Freedom in the World 2022 – Myanmar', section D3, 28 February 2022
[96] FH, 'Freedom in the World 2022 – Myanmar', section D4, 28 February 2022
[97] The Breaking News Trending, 'Home', nd
[98] The Breaking News Trending, '…200 arrested for social media posts…', 5 May 2022

## 7.3 Human rights defenders and activists

7.3.1 The USSD HR report 2022 reported 'Freedom of speech was severely limited. Those who spoke openly against the regime or in favor of the NLD, NUG, or democracy more broadly risked abuse and punishment by authorities.'[99]

7.3.2 The same report also highlighted that 'A prodemocracy activist in Rangoon said during a media interview that regime security forces beat him as authorities transported him to a local interrogation center in February. The next morning, he was unable to eat due to injuries he had sustained during his first night in detention. He reported being tortured for days and only released after signing a statement denying the use of torture by the regime.'[100]

Back to Contents

## 7.4 Journalists, writers and media workers

7.4.1 The FH report 2022 noted that 'Following the coup in 2021, 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. However, a number of independent media outlets continued to provide news coverage, operating in hiding and in exile.'[101]

7.4.2 The HRW report 2022 noted:

'As of October 25 [2021], 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 March 8 [2021], the junta stripped media licenses from five local outlets: Democratic Voice of Burma (DVB), Khit Thit Media, Mizzima, Myanmar Now, and 7Day. On May 4, authorities banned two other outlets, the Kachin-based 74 Media and the Shan-based Tachileik News Agency, and also banned satellite television.

'Also, on May 4 [2021], authorities arrested US journalist Danny Fenster, the managing editor of Frontier Myanmar, and detained him on politically motivated charges. On November 12, a court sentenced him to 11 years' hard labor, but he was permitted to leave the country on November 15.

'On June 30 [2021], the Ministry of Information issued a warning to journalists to stop describing the SAC as a "junta" or face prosecution.'[102]

7.4.3 In reference to the amendments made to the Electronic Transactions Law and how it affects journalists and the media, the FH report 2022 noted that:

[99] USSD, '2021 Country Report on Human Rights Practices: Burma', page 18, 12 April 2022
[100] USSD, '2021 Country Report on Human Rights Practices: Burma', page 19, 12 April 2022
[101] FH, 'Freedom in the World 2022 – Myanmar', section D1, 28 February 2022
[102] HRW, 'World report 2022 – Myanmar', 13 January 2022

'… Human rights groups have warned that the amendments disproportionately affect independent media outlets, and enable the regime to easily detain and prosecute journalists. Dozens of journalists have been forced to flee following the military's crackdown on press freedoms; according to the Committee to Protect Journalists (CPJ), more than 100 journalists were arrested in 2021. Though the regime released several journalists throughout the year, many of those jailed face criminal charges.'[103]

7.4.4 In the AI report 2022 it was noted:

'The military authorities closed at least five independent news publications and revoked the licences of eight media outlets. At least 98 journalists were arrested following the coup, including three foreign journalists. One journalist, Ko Soe Naing, died while in custody.

'At the end of the year, at least 46 journalists and other media workers remained in detention. This included 13 who had been convicted and sentenced to terms of imprisonment.'[104]

7.4.5 The USSD HR report 2022 further highlighted the experiences for media workers:

'Prior to the coup, independent media outlets were active and able to operate despite many official and unofficial restrictions, economic hardship, and an uncertain business environment. After the coup, analysts reported the closure of 71 media outlets, ranging from well-known national, regional, and ethnic media to small Facebook pages. Regime crackdowns on media resulted in the arrest, detention, loss of work, and forced exile of more than 1,000 journalists, editors, and media staff – approximately 50 percent of pre-coup total. For example, two Kamayut Media journalists were arrested in March, one was released on June 15 and the other remained in detention at year's end. In Mandalay the regime arrested and subsequently released freelance journalists. Eleven media and the Voice Daily self-censored and avoided criticism of the regime. The Myanmar Times and Union Daily have ceased publication, and Irrawaddy, Frontier, and Myanmar Now operated mostly in exile from outside the country.

'In May the regime banned satellite dishes to restrict access to international news. The regime offered three public television channels – two controlled by the Ministry of Information and one controlled by the military. Two private companies that had strong links to the previous military regime continued to broadcast six free-to-air television channels. The regime and regime-linked businesspersons controlled eight FM radio stations. In August the NUG launched Radio NUG, a clandestine service that provided two 30-minute reports daily with prodemocracy content.'[105]

7.4.6 Considering the treatment of those working in the media, the USSD HR report 2022 noted:

[103] FH, 'Freedom in the World 2022 – Myanmar', section D1, 28 February 2022
[104] AI, 'Amnesty International Report… Myanmar 2021', 29 March 2022
[105] USSD, '2021 Country Report on Human Rights Practices: Burma', page 19, 12 April 2022

'The regime subjected journalists and other media workers to violence, harassment, detention, and intimidation for their reporting. According to AAPP, at least 95 journalists were unjustly arrested after February, and more than half of those remained in detention as of November. Among journalists detained by the regime were reporters from the Associated Press, the Ayeyarwady Times News, and many more outlets. In April the New York Times reported that many journalists stopped wearing helmets or vests marked with the word "PRESS," did not publish under their own names, and avoided sleeping at home. On December 14, local media reported that freelance photojournalist and graphic designer Soe Naing died in regime custody after his arrest on December 10 while covering the "Silent Strike." Soe Naing reportedly died after a violent interrogation, marking the first known death of a journalist while in regime custody since the coup.

'Authorities arrested Polish photojournalist Robert Bociaga on March 11 in Shan State and deported him after he was held in detention for 13 days.

'In April authorities detained Yuki Kitazumi, a Japanese freelance journalist, and accused him of supporting prodemocracy protests. Authorities released and deported Kitazumi in May.'[106]

7.4.7 On 20 January 2022, Reuters reported on the arrest of three journalists working for the independent news portal 'Dawei Watch'[107] and further noted:

'The military has rescinded media licences, imposed curbs on internet and satellite broadcasts and 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, including American journalist Danny Fenster, who was the managing editor of independent online magazine Frontier Myanmar.

'Fenster was sentenced to 11 years in prison last November for incitement and violations of laws on immigration and unlawful assembly, before being released following negotiations between former U.S. diplomat Bill Richardson and the junta.'[108]

Back to Contents

## 7.5 Internet freedom

7.5.1 The FH report 2022 noted that, 'Following the coup in 2021, the military…severely restricted internet access, including access to social media platforms and news outlets.'[109]

7.5.2 The same report also noted:

[106] USSD, '2021 Country Report on Human Rights Practices: Burma', page 20, 12 April 2022
[107] Reuters, 'Myanmar military arrests more journalists in media crackdown-editor', 20 January 2022
[108] Reuters, 'Myanmar military arrests more journalists in media crackdown-editor', 20 January 2022
[109] FH, 'Freedom in the World 2022 – Myanmar', section D1, 28 February 2022

'The military authorities periodically imposed nationwide internet and telecommunications shutdowns, violating the right to freedom of expression. In areas where there were military operations, such as in Hpakant township in Kachin State, Chin State and the regions of Sagaing, Magway and Mandalay, internet and WiFi services were suspended and, in some instances, mobile phone networks cut. This severely obstructed communications, including those concerning human rights violations committed by security forces, as well as negatively impacting humanitarian operations.'[110]

7.5.3 The USSD HR report 2021 outlined the junta's approach to monitoring of those perceived to be in opposition to the regime following the coup:

'… The law does not protect the privacy of correspondence or other communications. The regime regularly monitored private electronic communications through online surveillance; there were numerous reports that the regime monitored prodemocracy supporters.

'On March 1, the New York Times reported that the military employed invasive dual-use surveillance, hacking, and forensic technologies to monitor and target critics and protesters. Before the coup, the military built an "electronic warfare capability" and bought surveillance technology, including cell phone-hacking tools to monitor prodemocracy activists.

'In July local news outlet Frontier Myanmar reported that the regime ordered mobile phone companies to install equipment to enable them to monitor calls, text messages, and locations of selected users, flagging each time they use words such as "protest" or "revolution." Mention of these words may trigger heavier surveillance or be used as evidence against those being watched. The regime also monitored social media use, including data from visited websites, as well as conversations in public and private chat groups. According to the magazine Frontier Myanmar, this "cybersecurity team" was based inside the police's Special Branch, a notorious surveillance department that heavily monitored suspected dissidents in the previous era of junta rule.'[111]

7.5.4 The USSD HR report 2022 also considered content restrictions in the media following the coup:

'After the coup, the regime banned independent media outlets that did not self-censor reporting on the prodemocracy movement. The regime also banned using certain terminology in reporting, such as "junta," "coup d'etat," and "military council." The Myanmar Times suspended publication on February 21 after many of its staff quit to protest the leadership's decision to follow the regime order not to describe the military takeover as a "coup." On March 8, the regime banned broadcast, online, and print media Mizzima, Democratic Voice Burma, Khit Thit Media, Myanmar Now, and 7Day News from broadcasting or reporting on any platform. Each of these media organizations had extensively covered the protests, including on their social media pages. The regime later revoked the licenses of three ethnic-minority-run outlets Myitkyina News Journal from Kachin State, Tachileik News

[110] AI, 'Amnesty International Report… Myanmar 2021', 29 March 2022
[111] USSD, '2021 Country Report on Human Rights Practices: Burma', page 14, 12 April 2022

Agency from Shan State, and 74 other media outlets suspended their operations in response.'[112]

7.5.5 In reference to regulations on alleged libel and slander, the USSD HR report 2022 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. After the coup, the regime primarily relied on Section 505 of the penal code to prosecute journalists. Following his arrest on March 3 in Bago Region, a reporter covering prodemocracy protests from the radio and television company Democratic Voice Burma was the first after the coup to be charged under this section of the law. According to

media reports, he was brutally beaten and seriously injured during his arrest. On May 3, he was sentenced to three years in prison. In June two other journalists were sentenced to two years in prison. According to the Committee to Protect Journalists, at least 24 journalists were facing charges under the broadened Section 505A that includes penalties for spreading "false news." National Security: Although the regime prosecuted some media critics using laws related to national security, in general the regime used other methods to pursue its critics. The regime designated the NUG and related prodemocracy groups as terrorist organizations but as of November had not arrested or tried any members of these on terrorist charges.'[113]

7.5.6 The same report also noted:

'The regime surveilled and censored online content, restricted access to the internet, and prosecuted its online critics. Even before the coup, the telecommunications law included broad provisions giving the government the power to temporarily block and filter content for the "benefit of the people." According to Freedom House, the regime, the military, and promilitary groups pressured users to remove antiregime and prodemocracy content. Myanmar law does not explicitly include provisions to force the removal of content or provide for intermediary liability, although some sections of law are so overly broad and vague that they may be used to justify forced content removal. Regime authorities instead used, or threatened to use, other criminal provisions of law to pressure internet users to remove content.

'The regime limited users' ability to communicate anonymously by requiring users to register all SIM cards. Subscribers were required to provide their name, national registration document, birthday, address, citizenship, and gender to register a SIM card; noncitizens must provide their passports. Telecommunications companies reportedly required some subscribers to include information beyond the bounds of the regulations, including their ethnicity.

[112] USSD, '2021 Country Report on Human Rights Practices: Burma', page 20, 12 April 2022
[113] USSD, '2021 Country Report on Human Rights Practices: Burma', page 21, 12 April 2022

'Telecommunications and internet surveillance allegedly contributed to violent crackdowns on citizens, including physical assaults and enforced disappearances in retaliation for online and offline activities.'[114]

7.5.7 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[115]. The article also showed that one of the internet shutdowns in Myanmar in 2021 lasted for 593 days in the Rakhine State[116]. 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.

'In order to arrive on time, rescue teams had to rely on human messengers to know when and where to intervene to treat the wounded.

'Because of this, groups like Witness Myanmar were unable to document human rights violations and gather evidence for future international legal procedures.'[117]

(See also Military response).

Back to Contents

This section was updated on 12 July 2022

## 8. Political prisoners

### 8.1 Number and treatment of political prisoners

8.1.1 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.'[118]

8.1.2 In a joint seminar between AAPP and the Former Political Prisoners Society (FPPS), a political prisoner was defined as:

[114] USSD, '2021 Country Report on Human Rights Practices: Burma', page 21, 12 April 2022
[115] AsiaNews '…Myanmar report a record number of Internet shutdowns in one year', 5 May 2022
[116] AsiaNews, '…Myanmar report a record number of Internet shutdowns in one year', 5 May 2022
[117] AsiaNews, '…Myanmar report a record number of Internet shutdowns in one year', 5 May 2022
[118] AAPP, 'About, Political prisoner definition', nd

'Anyone who is arrested, detained, or imprisoned for political reasons under political charges or wrongfully under criminal and civil charges because of his or her perceived or known active role, perceived or known supporting role, or in association with activities promoting freedom, justice, equality, human rights, and civil and political rights, including ethnic rights, is defined as a political prisoner.

'The above definition relates to anyone who is arrested, detained, or imprisoned because of his or her perceived or known active role, perceived or known supporting role, or in association with political activities (including armed resistance but excluding terrorist activities), in forming organizations, both individually and collectively, making public speeches, expressing beliefs, organizing or initiating movements through writing, publishing, or distributing documents, or participating in peaceful demonstrations to express dissent and denunciation against the stature and activities of both the Union and state level executive, legislative, judicial, or other administrative bodies established under the constitution or under any previously existing law.'[119]

8.1.3 The UN News agency reported on 8 March 2021 that according to the Office of the High Commissioner for Human Rights (OHCHR) over 1,700 people have been arbitrarily arrested and detained[120] and that those detained included 'members of parliament, political activists and election officials, authors, human rights defenders, teachers, healthcare workers, civil servants, journalists, monks, and celebrities. However, the actual number of those detained is likely to be much higher, given that demonstrations are reported to have taken place in 537 locations throughout the country where monitoring developments has not always been possible.'[121]

8.1.4 The USSD HR report 2022 noted that 'There were numerous reports that regime security forces committed arbitrary or unlawful killings of civilians, prisoners, and other persons in their power. According to the …AAPP…, which noted that the actual number was likely to be much higher, there were 1,300 verified reports of persons killed by the regime as of November 22.'[122]

8.1.5 The AI report 2022 noted that, as of 31 December 2021, 'According to the AAPP, at least 8,338 of those arrested since 1 February remained in detention as of 31 December, including 196 children'[123] as well as NLD party members and their relatives, peaceful protesters, members of the CDM, other activists and bystanders[124]. The report also noted that:

'Relatives who were able to visit family members in detention reported seeing physical injuries and other signs of torture or ill-treatment. The UN also documented the widespread use of torture by security forces against detainees, in some cases resulting in death.

'Sexual violence and threats of sexual violence by the security forces against women, girls and in some instances men arrested during protests, were

[119] AAPP, 'About, Political prisoner definition', nd
[120] UN News, 'UN calls for safe release of trapped protesters in Yangon', 8 March 2021
[121] UN News, 'Myanmar military must stop murdering and jailing protestors – Bachelet', 4 March 2021
[122] USSD, '2021 Country Report on Human Rights Practices: Burma', page 3, 12 April 2022
[123] AI, 'Amnesty International Report… Myanmar 2021', 29 March 2022
[124] AI, 'Amnesty International Report… Myanmar 2021', 29 March 2022

documented by the UN and others, including in the context of interrogations. Detained LGBTI people who participated in the protests, often under rainbow flags, were also reported to have been subjected to torture including sexual violence.'[125]

8.1.6 AAPP noted on 9 May 2022 that:

'According to AAPP documentation, at least (57) houses and buildings have been sealed off by the Junta since the 2021 coup up until April 2022. As of May 9, 2022, (1831) people are now confirmed killed by this junta coup. AAPP compiled and documented (6) fallen heroes today. These (6) fallen heroes from Hpa-An Township in Kayin State, Katha Township and Myinmu Township in Sagaing Region were killed on previous days and documented today. This is the number verified by AAPP. The actual number of fatalities is likely much higher. We will continue adding as and when.

'As of May 9, 2022, a total of (10571) people are currently under detention. (1047) people have been sentenced in person, of them 68 have been sentenced to death (incl. 2 children). 1977 are evading arrest warrants. 120 people have been sentenced in absentia, of them 41 sentenced to death in absentia. In total 109 sentenced to death, in person and absentia. The exact identities and total figure remains to be verified, but we will continue to confirm the recently released.'[126]

8.1.7 The HRW report 2022 noted that: 'Many persons detained for taking part in pro-democracy demonstrations said after their release that security personnel tortured and otherwise ill-treated them and others in custody. Methods of torture included beatings, mock executions with guns, burning with cigarettes, and rape and threatened rape.'[127]

8.1.8 The USSD HR report 2021 noted that '…Political prisoners were not always held separately from the prison's general population. Many political prisoners were held incommunicado. Many former political prisoners were subject to surveillance and restrictions following their release, including the inability to secure identity or travel documents. AAPP estimated that there were more than 6,000 political prisoners as of year's [2021] end.'[128]

8.1.9 The same report highlighted:

'The law prohibits torture; however, members of regime security forces reportedly tortured and otherwise abused suspects, prisoners, detainees, and others. Such incidents occurred, for example, during interrogations and were widely documented 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.'[129]

8.1.10 The USSD HR report 2021 also noted 'There were numerous reports of arbitrary arrest, including detention by the regime in unknown locations.

[125] AI, 'Amnesty International Report… Myanmar 2021', 29 March 2022
[126] AAPP, 'Daily briefing in relation to the Military Coup', 9 May 2022
[127] HRW, 'World Report 2022 – Myanmar', 13 January 2022
[128] USSD, '2021 Country Report on Human Rights Practices: Burma', page 12, 12 April 2022
[129] USSD, '2021 Country Report on Human Rights Practices: Burma', page 5, 12 April 2022

Since the coup, regime security forces have made at least 8,000 arrests and more than 6,500 of those individuals remain in some form of detention'[130]

8.1.11 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.'[131]

8.1.12 In a March 2022 report by AAPP, based on interviews with an undisclosed number of recently released political prisoners, confidential testimonies and open-source research, it was noted:

'Information gathered from recently released prisoners and AAPP data collection demonstrate the abuse committed by the military. 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. But the military does not only torture to force confessions. First, they 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.'[132]

8.1.13 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'[133] and also highlighted the use of 'mental torture':

'Mental torture takes many forms, for example one prisoner reported being forced to carry human feces. Another woman testified to a rather disturbing intimidation technique: "they forced me to raise the three-finger salute for more than an hour as a guard stroked my hair to intimidate me"… Yet, the most common form of mental torture in prison is the use of isolation from the outside world. Indeed, visitation rights are non-existent in a vast majority of cases.'[134]

8.1.14 AAPP also highlighted instances of sexual abuse of prisoners, although the extent and prevalence is unclear:

'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

[130] USSD, '2021 Country Report on Human Rights Practices: Burma', page 9, 12 April 2022
[131] Reuters, 'Myanmar army engaged in torture, mass killings, war crimes - U.N.', 16 March 2022
[132] AAPP, '…Prisoners Experience in Interrogation, Judiciary, and Incarceration…', 23 March 2022
[133] AAPP, '…Prisoners Experience in Interrogation, Judiciary, and Incarceration…', 23 March 2022
[134] AAPP, '…Prisoners Experience in Interrogation, Judiciary, and Incarceration…', 23 March 2022

instances happen nationwide. They reported more specifically "the atrocity such as forcibly injecting bamboo poles into the victim's anuses".'[135]

8.1.15 The AAPP's website also includes updated daily lists of persons it claims have been arrested, see: https://aappb.org/.

Back to Contents

## 8.2 Profiles of those arrested / imprisoned

8.2.1 The UN Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, 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.'[136]

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

'At the time of writing and, the junta has arbitrarily detained over 1,200 people since the beginning of the coup. Political prisoners include members of the NLD, Members of Parliament, UEC officials, political activists, civil society members, civil servants, journalists, lawyers, teachers, medics, students, and celebrities. The junta issued arrest warrants for at least 32 others who reportedly went into hiding. At the time of writing, the authorities convicted at least four of the 900 detainees and sentenced them to prison terms ranging from seven days to two years.

'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. Once detained, security forces confiscated phones, effectively cutting communications with family members, lawyers, or others. In the overwhelming majority of arrests, there is no indication of charges against detainees. The majority of the families of detainees received no information from the junta's forces as to the wellbeing or whereabouts of their family members. Many of these detentions may thus amount to enforced disappearances.'[137]

8.2.3 The USSD HR report 2021 noted that 'Incommunicado detention was common. Since the coup, the regime detained politicians, election officials, journalists, activists, protesters, and Civil Disobedience Movement (CDM)

[135] AAPP, '…Prisoners Experience in Interrogation, Judiciary, and Incarceration…', 23 March 2022
[136] UN, '…Special Rapporteur on the situation of human rights in Myanmar…', para. 56, 4 March 2021
[137] UN, '…Rapporteur on the situation of human rights in Myanmar…', paras 53-55, 4 March 2021

members and refused to confirm their locations in violation of international law, according to HRW.'[138]

8.2.4 The same report noted 'The regime detained and arrested politicians, election officials, journalists, activists, protesters, religious activists, and CDM members.'[139]

8.2.5 The report continued:

'According to AAPP, among those the regime detained as of September were more than 175 family members of prodemocracy supporters, including 15 children. In August, for example, a family member delivering food and medicine to a political prisoner was detained at Insein Prison for six days. In September regime security forces reportedly arrested the wife and young child of a human rights activist to coerce his surrender. The activist was charged under terrorism legislation for supporting the CDM. His wife and child were missing as of December.

'According to the independent news service Myanmar Now, a 14-year-old boy was detained in Taungtha Township, Mandalay Region in September by the regime to coerce his father, a former local National League for Democracy (NLD) leader, to turn himself in to police. The boy's mother told a reporter, "They came for my husband and took the kid, saying they needed him to show them where dad was.…I keep waiting for his release. I don't want anything else; I just want my son back."'[140]

8.2.6 The UN News agency reported on 8 March 2021 that according to the Office of the High Commissioner for Human Rights (OHCHR) that 'those detained included 'members of parliament, political activists and election officials, authors, human rights defenders, teachers, healthcare workers, civil servants, journalists, monks, and celebrities.'[141]

8.2.7 The AI report 2022 noted that, as of 31 December 2021, those remaining in detention included NLD party members and their relatives, peaceful protesters, members of the CDM, other activists and bystanders[142].

8.2.8 The HRW report 2022 noted that the military 'have detained over 8700 government officials, activists, journalists, and civil servants.'[143] and also noted that ''The junta has taken into custody more than 100 politicians, election officials, journalists, activists, and protesters, and refused to confirm their whereabouts or conditions of detention in violation of international law. Security forces frequently detained family members, including children and older people, when they were unable to find the individual they sought to arrest.'[144]

8.2.9 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

[138] USSD, '2021 Country Report on Human Rights Practices: Burma', page 9, 12 April 2022
[139] USSD, '2021 Country Report on Human Rights Practices: Burma', page 12, 12 April 2022
[140] USSD, '2021 Country Report on Human Rights Practices: Burma', page 9-10, 12 April 2022
[141] UN News, 'Myanmar military must stop murdering and jailing protestors – Bachelet', 4 March 2021
[142] AI, 'Amnesty International Report… Myanmar 2021', 29 March 2022
[143] HRW, 'World Report 2022 – Myanmar', 13 January 2022
[144] HRW, 'World Report 2022 – Myanmar', 13 January 2022

last general election, journalists, humanitarian workers, civil society members and university students.'[145]

8.2.10 The AI report 2022 noted, in relation to Section 505(a) of the Penal Code, which criminalizes 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"[146] that, 'As of 31 December, 189 people had been convicted under Section 505(a) [of the penal code]. According to AAPP, at least another 1,143 detained individuals were awaiting sentencing and warrants for 1,545 others had been issued, including under Section 505(a) which carries a sentence of up to three years' imprisonment.'[147]

Back to Contents

## 8.3 Treatment of female political prisoners

8.3.1 In particular regard to female political prisoners, the USSD HR report 2021 noted that:

'According to nongovernmental organizations (NGOs), women in custody were subjected to sexual assault, gender-based violence, and verbal abuse. Police in some cases verbally abused women who reported rape. Women who reported sexual assault faced further abuse by police and the possibility of being sued for impugning the dignity of the perpetrator. On July 19, the UN special rapporteur on the situation of human rights defenders noted "[w]omen human rights defenders are particularly at risk in remote rural areas and are often beaten and kicked before being sent to prison where they may face torture and sexual violence with no medical care provided."

'In one case in April, Human Rights Watch (HRW) reported that security force members severely beat and sexually assaulted a female detainee accused of involvement in small-scale bomb attacks against regime targets in Rangoon. Her injuries were so severe she struggled to eat or urinate. Her cellmate reported similar treatment. Also in April, local media reported that a high school student from Rangoon was arrested with her mother and described how she was "touched by a police officer who told me he could kill me and make me disappear." In Rangoon a journalist detained in March told media he witnessed police burn a detained female journalist with cigarettes and threaten to rape her if she did not provide information on her involvement in prodemocracy activities.'[148]

8.3.2 Considering prison conditions for female prisoners specifically, the USSD HR report 2021 detailed:

'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. After the coup, sexual violence, gender harassment, and humiliation by officials increased.

[145] The Star, 'Asean foreign ministers meeting to discuss Myanmar 5PC issue', 8 May 2022
[146] AI, 'Amnesty International Report… Myanmar 2021', 29 March 2022
[147] AI, 'Amnesty International Report… Myanmar 2021', 29 March 2022
[148] USSD, '2021 Country Report on Human Rights Practices: Burma', page 6, 12 April 2022

'In September human rights watchdog Just Power reported that a prominent human rights activist suffered from deteriorating health conditions as a result of her "unjust arrest and detention." According to the report, regime security forces denied her access to health services, including to medicines provided by her family.'[149]

Back to Contents

## 8.4 Judicial process

8.4.1 The USSD HR report 2021 considered the legalities of arrest procedures: 'The law does not prohibit arbitrary arrest. Persons held generally did not have the 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.'[150]

8.4.2 The same report noted:

'In August AAPP reported that an estimated 5,000 individuals listed by the regime as "under detention" were in unknown locations, accounting for approximately 82 percent of arrests since the coup. Even when the whereabouts of prisoners was known, prisoners were regularly denied access to lawyers and family members.

'After the coup, the military regime suspended aspects of privacy protection law to legalize arrests and private property searches without a warrant.

'Authorities may hold suspects in pretrial detention for two weeks (with a possible two-week extension) before bringing them before a judge or informing them of their charges. The regime is not, however, obliged to respect this provision of the law. There is a functioning bail system, although the courts regularly denied bail to prodemocracy supporters. There were numerous reports that authorities did not inform family members or attorneys of arrests in a timely manner, did not disclose their location, and regularly denied family visitations…[151]

8.4.3 In considering state punishment of detainees, AI noted that in 2021, 'Military courts sentenced dozens of people, including several children, to death after unfair trials. Many were tried in their absence.'[152]

8.4.4 According to the USSD HR report 2021:

'… Prior to the coup, judges and police sometimes colluded to extend detentions. According to the Independent Lawyers' Association in 2020, arbitrary and lengthy pretrial detentions resulted from lengthy, complicated legal procedures and widespread corruption. These problems continued following the coup, worsened by the regime's ability to detain persons indefinitely without trial. For those facing trial, detention prior to and during trials sometimes equaled or exceeded the sentence after conviction. The

[149] USSD, '2021 Country Report on Human Rights Practices: Burma', page 7, 12 April 2022
[150] USSD, '2021 Country Report on Human Rights Practices: Burma', page 8, 12 April 2022
[151] USSD, '2021 Country Report on Human Rights Practices: Burma', page 9, 12 April 2022
[152] AI, 'Amnesty International Report… Myanmar 2021', 29 March 2022

regime amended the legal aid law in May, removing the right to legal aid services during pretrial detention.

'… Although habeas corpus exists in national law, regime security forces violated this law by arresting and detaining individuals without following proper procedures. Arbitrary arrest or detention was drastically increased to suppress political dissent, according to AAPP and detainees had limited ability to meaningfully challenge the lawfulness of detention before a court due to its lack of judicial independence from the regime.'[153]

8.4.5 The USSD HR report 2021 considered access to fair trials in 2021:

'The constitution provides for an independent judiciary, a protection the regime has not respected. On February 4, the regime dismissed five NLD-appointed justices of the Supreme Court and replaced them with justices who support the regime. The remaining four justices, including the chief justice, were holdovers from the previous military junta. In February the regime declared martial law in numerous townships across the country and transferred judicial (and executive) power to regional military commanders in several cities. In martial law courts, defendants have few or no rights, including access to legal counsel and the right of appeal (except in cases involving the death penalty, which may be appealed to armed forces commander in chief Min Aung Hlaing). The hearings are abbreviated, the verdict is reached within one or two sessions, and the sentences are typically the maximum penalties allowed. According to regime public announcements, by November, 61 cases were heard in martial law courts, with 280 defendants convicted and sentenced, including at least 80 defendants sentenced to death.'[154]

8.4.6 The same report noted: 'Although no formal changes to trial procedures in civilian courts were made following the coup, the lack of judicial independence leaves much to the interpretation of the regime. The law provides for the right to a fair and public trial but also grants broad exceptions, effectively allowing the regime to violate these rights at will.'[155]

8.4.7 The USSD HR report 2021 also noted, in reference to prisoners' access to legal aid:

'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 HRW, at least six lawyers handling political cases were arrested since the coup. Defendants do not enjoy a presumption of innocence or, even when the law provides for them, the rights to be informed promptly and in detail of the charges against them; to be present at their trial; to free interpretation; or to receive adequate representation. There is no right to adequate time and facilities to prepare a defense. Trial procedures were also affected by COVID-19 pandemic mitigation measures.'[156]

8.4.8 The same report also noted, in reference to those representing political prisoners, 'In May, HRW reported the arrest of a lawyer defending a

[153] USSD, '2021 Country Report on Human Rights Practices: Burma', page 10, 12 April 2022
[154] USSD, '2021 Country Report on Human Rights Practices: Burma', page 11, 12 April 2022
[155] USSD, '2021 Country Report on Human Rights Practices: Burma', page 11, 12 April 2022
[156] USSD, '2021 Country Report on Human Rights Practices: Burma', page 11, 12 April 2022

deposed local political leader after a court hearing in Nay Pyi Taw and the arrest of lawyer defending a political prisoner in Ayeyarwady Region. In June, HRW reported the arrest of a lawyer defending more than 120 political prisoners in Kachin State.'[157]

8.4.9 In a June 2022 Human Rights Watch article, it was stated that:

'Myanmar's military junta announced on June 3, 2022, that it would execute four people whose appeals were rejected following grossly unjust closed-door trials, Human Rights Watch said today…

'Military tribunals have issued death sentences against defendants in rushed and closed legal proceedings, depriving those charged of their basic fair trial rights. Those on trial before military tribunals face almost certain conviction regardless of the available evidence against them. There is no scrutiny of the trials by the public or the international community…'[158]

Back to Contents

## 8.5 Amnesty

8.5.1 The USSD HR report 2021 noted that the regime granted amnesty to a number of political prisoners in 2021:

'The regime included some political prisoners among the more than 23,000 inmates released to mark Union Day on February 12. The regime released all those who met set criteria (e.g., not charged under Section 505 of the penal code, which criminalizes disseminating information that could agitate or cause security forces or state officials to mutiny), with no specific leniency for political prisoners. According to some human rights activists, the regime used the general pardon order to make space available for more political prisoners.

'Amnesty was also granted to several high-profile ethnic Rakhine politicians, including Aye Maung and writer Wai Hin Aung, sentenced to long jail sentences for high treason under the deposed NLD government. In September the regime also released controversial ultranationalist Buddhist monk Ashin Wirathu, charged with sedition by the deposed government for comments he made during a 2019 promilitary rally.'[159]

8.5.2 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.'[160]

8.5.3 The same article continued:

'"As part of the celebration of Myanmar's New Year, to bring joy for the people and address humanitarian concerns," Lieutenant General Aung Lin Dwe, a state secretary of the military government, said that "1,619 prisoners, including 42 detained foreigners, will be released under the amnesty"…

[157] USSD, '2021 Country Report on Human Rights Practices: Burma', page 11, 12 April 2022
[158] HRW, 'Myanmar: Junta Vows to Enforce Death Sentences', 7 June 2022
[159] USSD, '2021 Country Report on Human Rights Practices: Burma', page 12, 12 April 2022
[160] Al Jazeera, 'No political prisoners released in Myanmar holiday amnesty', 17 April 2022

'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.'[161]

Back to Contents

This section was updated on 12 July 2022

## 9. Sur place activity

### 9.1 Diaspora in the UK

9.1.1 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.'[162]

9.1.2 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).

Back to Contents

### 9.2 Embassy in the UK

9.2.1 The Mynamarese / Burmese embassy is located at 19A Charles Street London, W1J 5DX, United Kingdom[163].

9.2.2 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.

'Myanmar's military seized power in a coup on 1 February, sparking protests and escalating violence.

'Kyaw Zwar Minn has criticised the military coup, and called for Myanmar's ousted leader Aung San Suu Kyi to be released…

'Through a spokesman out the front of the embassy on Thursday morning, Kyaw Zwar Minn urged the UK government not to recognise the military junta's newly appointed ambassador, and to send them back to Myanmar.

'"There was a coup in 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".

[161] Al Jazeera, 'No political prisoners released in Myanmar holiday amnesty', 17 April 2022
[162] The Guardian, 'Michael Jeewa', 25 May 2005
[163] Embassy pages, 'Embassy of Myanmar in London, United Kingdom', nd

'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".'[164]

Back to Contents

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

9.3.1 CPIT could not find information pertaining to the military junta's overseas intelligence-gathering capabilities and monitoring of the diaspora, in the sources consulted (see Bibliography).

Back to Contents

This section was updated on 12 July 2022

## 10. Functioning of the military-led state

### 10.1 Avenues of redress

10.1.1 The USSD HR report 2021 noted that:

'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 Myanmar National Human Rights Commission. After the coup, the ability of complainants to raise human rights abuses through the judicial system or the commission was limited.'[165]

10.1.2 The same report noted that 'There continued to be almost complete impunity for abuses by the regime security forces. There was no credible information that the regime took actions to prosecute or punish officials responsible for human rights abuses or corruption.'[166]

Back to Contents

[164] BBC, 'Myanmar's ex-UK envoy says military attaché has 'occupied' embassy', 8 April 2021
[165] USSD, '2021 Country Report on Human Rights Practices: Burma', page 13, 12 April 2022
[166] USSD, '2021 Country Report on Human Rights Practices: Burma', page 2, 12 April 2022

# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the country information section. The Home Office's Country Policy and Information Team 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 context
    - Summary of political situation and system
    - Key recent political events and political history
- 2021 – 2022 protests
    - Summary of 2021 protests – size, location, how they were symbolised
    - Continuing 2022 protests – how they have evolved
    - Military response and treatment of protesters
- Political prisoners
    - Who are they?
    - How are they treated?
    - Judicial process
- Avenues of redress
    - What is in place?
    - How effective is it since the February 2021 coup?
- Five-Point Consensus
- Legal freedoms
    - Freedom of expression
    - Freedom of speech and media
    - Freedom of movement

Back to Contents

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Back to Contents

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Back to Contents

# Version control

## Clearance

Below is information on when this note was cleared:

- version **4.0**
- valid from **14 July 2022**

**Official – sensitive: Start of section**

The information on this page has been removed as it is restricted for internal Home Office use.

**Official – sensitive: End of section**

Back to Contents