

Centre for Civil and Political Rights

Written statement submitted to the UN Human Rights Council 54th session

Item 4 – Interactive Dialogue on the High Commissioner’s report on the human rights situation in Myanmar

Myanmar: need for accountability and continuous attention by the Council

The human rights situation in Myanmar has been increasingly deteriorating since the coup in February 2021 and the junta has created multidimensional crisis in the country through its illegitimate seizure of power, disastrous governance and economic management, brutal oppression and violence against the people of Myanmar, committing blatant violation of the rule of law, including the junta’s own legislative framework as well as international human rights and humanitarian laws including crimes against humanity and war crimes.

The junta has been committing Indiscriminate attacks, extrajudicial killings, torture and other crimes against civilians, raiding villages, destroying houses, schools, hospitals and places of worship, and thereby displacing thousands. However, despite mounting evidence, accountability for these serious violations of human rights committed before and after the coup, including the 2017 “clearance operation” by the Myanmar military is yet to be achieved. The country needs continuous attention from the Council and global efforts to hold perpetrators accountable. However, according to the data collected by the Centre about participation i.e. statements of UN Member States in relevant discussion of the Council on Myanmar, there are still more than 100 countries, including more than 15 Council Member States, who still remain silent on Myanmar.

The escalating conflict between the junta and resistance forces reportedly displaced over 50,000 civilians in four Regions and five States between 12 June and 17 July 2023, whereby Tanintharyi and Sagaing Regions and Karen State recording the highest number of Internally Displaced Persons (IDPs). According to the UNHCR, as of 31 July 2023, estimated 1,599,200 persons were displaced in Myanmar since the coup, out of the overall estimated 1,927,000 IDPs, while estimated 99,500 people have sought refuge in neighbouring countries since 1 February 2021.

Arbitrary arrests, ill-treatment and deaths in detention

Arbitrary arrests and detentions of people opposing and resisting the junta are continuing on the ground including their family members, the elderly, children and persons with medical conditions. It was also reported that civilians delivering relief supplies for cyclone-affected communities in Rakhine State over suspected links with banned media outlets, others were arrested and convicted for their comments and posts, and even changing the background of their profiles on the Facebook. Over 100 civilians, mostly women, were arrested following their flower strike on 19 June 2023 to mark detained civilian leader Daw Aung Suu Kyi’s 78th birthday, and threatening and beating others across Myanmar, for wearing, holding, buying, or selling flowers and even posting pictures of people wearing flowers on social media.

Individuals exercising their freedom of association to call for better working conditions and protection of their labour rights are also arbitrarily arrested. In June 2023, workers at Hosheng

Myanmar garment factory in Shwepyithar township in Yangon were arrested for their alleged involvement in a strike over wages and dismissal of other factory workers. Two labour rights activists were allegedly arrested on in June 2023 at Sun Apparel Myanmar factory in the Hlaing Tharyar township in Yangon for demanding a pay rise and better working conditions, prompting about 60 other workers to go into hiding and therefore losing their jobs for fear of further arrests.

Cases of ill-treatment, torture and deaths in custody have been continuously reported. The abuses reported include beatings during arrests and interrogation, solitary confinement, denial of medical treatment, and denial of food and other necessities. On 21 May 2023 the family of a political prisoner detained in Tharyarwaddy prison in Bago Region was reportedly informed that he had died of a lung infection in prison but was not given his body back nor allowed to see it, leading them to believe he was tortured to death. The families of three other political prisoners also allegedly received information that they had died during interrogation after a beating of over 20 prisoners during interrogation at Kyaiksakaw prison in Bago Region since 25 May 2023.

A number of cases of deaths and disappearances of prisoners were reported in June and July 2023, with the suspicion that prison transfers were used to cover up prisoner executions. On 27 June 2023, the junta allegedly transferred 37 political prisoners from Daik-U Prison in Bago Region to other prisons. At least ten of them reportedly never made it to their destination, the families of eight of them having been notified that they had been shot dead during the transfer following an escape attempt and two having no information about their detained relatives' whereabouts since the transfer.

Evidence of mass execution of civilians or fighters hors de combat in the custody of the junta or its affiliates along with torture, sexual violence, rape and other forms of severe mistreatment in detention facilities run by the junta, the police, or the Myanmar Prisons Department have also been gathered by the Independent Investigative Mechanism on Myanmar as reported in its report to the current Council session.

Domestic justice system used as a tool to oppress dissidents

As repeatedly raised in our previous statements, the junta is using the entire justice system to oppress dissident, people who were arbitrarily arrested are tried in courts under the control of the junta, which blatantly disregard due process, violate the right to fair trial, and convict the accused in merely pro forma process, even without relevant evidence, typically under the section 505 of the Penal Code or the Counter-Terrorism Law with harsh maximum punishments, including disproportionately long imprisonment and life or death sentences. As stated above, torture in detention and during interrogation, and the use of forced confession in trials are rampant. Evidence and witnesses provided by the defence are largely ignored, while requests for bail and appeal are almost always rejected. Furthermore, defence lawyers are also facing increasing risk of own security and reprisals including arrests for doing their job to defend basic rights of persons who are arbitrarily detained and politically charged. According to the data collected by the Assistance Association for Political Prisoners (AAPP), between 1 May and 31 July 2023, an estimated 357 individuals were convicted and at least seven persons were sentenced to death, while about 7,000 have been convicted and more than 150 persons were handed down death sentences by the junta since the coup. While the justice system under the

control of the junta has been completely turned into its extended arm, the justice system under the National Unity Government (NUG) has been to a large extent unable to carry out independent administration of justice in accordance with international human rights law and will require significantly more resources, assistance and capacity building.

Situation of vulnerable groups

Continuing and escalating armed conflicts, multi-dimensional crises and violence, compounded by natural disasters including cyclone, floods and landslides, are drastically deteriorating humanitarian catastrophe in the country and, together with food shortage and inflation of basic goods, affecting the lives of millions of people, who is in acute need of targeted assistance. In July 2023, the UNHCR reported increased cases of gender-based violence in South-East Myanmar and that the poor conditions of hygiene facilities in the relocation site Kyauk Ta Lone IDP camp in Rakhine State - which was flooded due to the Mocha cyclone - and the lack of access to functioning facilities posed serious risks for women and girls. The IIMM, in its report to the current Council, also states that it has collected substantial information and evidence that sexual and gender-based crimes are committed against women and girls, as well as boys, men, and persons with diverse gender identities, including by the security forces, and with the high level of cruelty and harm done to the victims, such as rape with objects, other forms of humiliation, mutilation, gang or serial rape, and sexual enslavement. It is also reported that children and persons with disabilities are falling victims to village raids, extra-judicial killings and indiscriminate attacks by the junta.

Right of children to education continues to be disrupted by ongoing conflicts and attacks including airstrikes on schools. At least seven attacks on schools were reportedly carried out by the junta in May and June 2023 in Sagaing Region, and Karen and Northern Shan States, killing and injuring several civilians, including children. Parents have also reported pressure, intimidation, and threats by the junta to force them to send their children back to junta-controlled schools. Others stated not having another alternative but to re-enrol their children in those schools, while in other parts there were also reports that villagers were threatened by resistance forces if they send their children to junta-controlled schools. Meanwhile, access to the internet seemingly remains as a fundamental challenge for many children to attend online education programme started by the NUG.

As the number of displaced persons increase inside and outside Myanmar, particular attention should also be paid the situation and needs of vulnerable groups among the IDPs and refugees.