

Myanmar: urgent call for immediate stop of unlawful acts by the military and restoration of democracy

Joint Statement

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By:

Equality Myanmar (EQMM)

Human Rights Educators Network

ICCPR Action Group

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We, the undersigned organisations, strongly condemn the coup in Myanmar on 1 February 2021 and related conducts of the military (Tatmadaw), including arbitrary detention of democratically elected leaders of Myanmar, peaceful protestors, journalists, medical professionals and other civilians opposing the coup, as well as the groundless declaration of the state of emergency, all of them in grave violation of international human rights laws and its own Constitution. Election fraud cannot be a justifiable ground for anyone to take such actions, and if any, the only matter that amount to national emergency is the very unlawful act of the military itself.

While welcoming the resolution adopted by consensus at the Special Session of the UN Human Rights Council on 12 February 2021 (A/HRC/RES/S-29/1), we regret that some countries appear to be neglecting their responsibility as the member of the Council to protect and promote human rights by blocking decisive actions of the UN bodies, claiming it as “internal affairs” and allowing the unlawful conduct of the Tatmadaw to continue.

Anyone wishing to “respect” the sovereignty of Myanmar and its internal affairs must recognise that the sovereignty of Myanmar lies with the people in the country, their duly elected representatives in the Union Parliament through the election in November 2020 and the civil government.

We strongly urge all the countries around the world, including the United Nations and its bodies such as the Security Council and the Human Rights Council, to take the strongest possible action in a unanimous manner against the Tatmadaw and all necessary measures to support the people of Myanmar in their struggle to realise sustainable democracy and the rule of law.

While the Tatmadaw does not have any legitimate authority to enact legislations, we are highly alerted by the actions of the Tatmadaw since the coup that increasingly undermines the rule of law, democracy and protection of the rights, privacy and security of people in Myanmar, including:

- Imposition of night time curfew accompanied by unlawful raids and arbitrary arrests of civilians;
- Shutdown of the internet;
- Drafting of the Cyber Security Law severely violating the freedom of expression, right to information and right to privacy;
- Suspension of the articles 5, 7 and 8 of the *Protection of the Citizens for the Person Freedom and Personal Security Law 2017*, on 13 February 2020, allowing the “authority” to arrest detain people more than 24 hours and to search private property without a court order; to

seize and destruct possessions and property, intercept private messages, demand personal telephonic and electronic communications data from telecoms providers without order of the President or Union Government;

- Arrest warrant issued to 7 activists, including Min Ko Naing and Kyaw Min Yu, under the section 505 of the Penal Code accusing them of undermining peace and order;
- Revision of the *Village and Ward Administration Law*, on 13 February 2021, allowing arrests and search of anyone without eyewitnesses or administrative officers; and
- Reinstatement of the provisions from the 2012 Ward or Village Tract Administration Law requiring citizens to report overnight guests to the authorities; and
- Arrest warrants issued to all members of the Committee Representing Pyidaungsu Hluttaw (CRPH).

All the unlawful acts of the Tatmadaw must be stopped immediately. The world cannot tolerate blatant violation of people's human rights. Urgent actions must be taken by all, including relevant UN bodies, individual governments, and private actors to urge the Tatmadaw followings:

- Immediately stop arbitrary arrest and detention of people;
- Immediately and unconditionally release of all persons detained since 1 February;
- Immediately reinstate the civilian government;
- Accept and respect the results of the November 2020 election;
- Refrain from intervening in the governance and legislation of the country;
- Refrain from using violence against peaceful protestors;
- Immediately abandon the draft Cyber Security Law; and
- Repeal suspension and revision of laws, imposed since 1 February 2021, reinstate proper legal provisions protecting the rights, privacy and security of citizens.