

Myanmar Risk: Very High/Ongoing

The risk of atrocities in Myanmar remains very high and is made more acute worse by the coup staged by the Tatmadaw against the democratically elected civilian government on 1 February. Given the military's past record of atrocities against civilians during civilian-led protests, it is likely that violence in major cities could escalate further as the Tatmadaw begin to crackdown on growing civil disobedience movement against the junta.

Army Commander-in-Chief Min Aung Hlaing declared a one-year state of emergency and detained top NLD leaders including State Counsellor Aung San Suu Kyi. The Tatmadaw leader justified his putsch on the pretext of claiming 'widespread election fraud' in the November 2020 elections, which was overwhelmingly won by the NLD. Criminal charges were filed against Suu Kyi for allegedly smuggling communications equipment following a military raid in her house and the NLD headquarters in Yangon.¹ Access to mobile and internet services have been intermittently cut even as the military attempts to deny the international community live news feeds of what is going in throughout the country.

Some 350 activists and protesters, including media reporters, have been arrested following more than two weeks of nation-wide peaceful protests against the coup and civilians remain defiant despite the junta's imposition of curfew and ban on group gatherings in the country. A number of government staff, health and transportation workers, and even some policemen reportedly joined the protests in support of civil disobedience campaign.² A 20 year-old student was shot by police in Nay Pyi Daw where families of government staff joined in unprecedented protest rallies against the coup in Myanmar's capital and seat of the national government. Five journalists in Myitkyina were arrested after monitoring and reporting on wounded civilians following firing of tear gas by troops on protesters who attempted to stop security forces from shutting down an electricity grid.³ An immediate casualty of the civil disobedience campaign is the abrupt drop in testing for COVID-19 infections in the country as health workers participate in protests.

As nation-wide protests continued, the Tatmadaw has resorted to night-time warrantless arrests of suspected activists and protesters, forcing civilians to organise neighbourhood watch to prevent security forces from undertaking arbitrary arrests. Following the junta's decision to release some 23,000 persons in jail, unconfirmed reports claim that some of the released prisoners were undertaking mob attacks against protesters by setting houses on fire even as it is alleged that they will be used by the military to infiltrate protesters to instigate violence.⁴

The international community led by the UN Security Council and ASEAN expressed deep concern over the situation in Myanmar following the coup but failed to outrightly condemn the military takeover of the government. The Security Council and the ASEAN Chairman's Statement both expressed the importance of adhering to democratic principles, including the protection of human rights, respect for fundamental freedoms, and the rule of law.⁵ Four representatives of the ASEAN Inter-Governmental Commission on Human Rights (AICHR) from Indonesia, Malaysia, Singapore, and Thailand also issued a joint statement expressing their individual positions on the situation in Myanmar, which echoed the ASEAN Chairman's Statement and underscored the importance of upholding the principles of the ASEAN Charter and the protection of human rights, fundamental freedoms, and rule of law. ASEAN foreign ministers are scheduled to have a special meeting to assess the bloc's response to the coup in Myanmar.

On the other hand, various civil society groups across the region condemned the overthrow of the civilian government, called on the junta to restore the democratically elected civilian government,

denounced the use of force by security troops against demonstrators who were peacefully protesting against the coup.⁶ As this developed, the US announced that it will impose additional sanctions against the military in Myanmar even as New Zealand decided to suspend high level military and political engagement with Myanmar and stated that it does not recognise the junta as a legitimate government.⁷ The European Union foreign ministers is scheduled to meet on 22 February to review the bloc's relations with Myanmar and examine avenues to exert pressure on the junta, including suspension of preferential trade treatment for products coming from the country.⁸ Meanwhile, some investors from Japan, Thailand, and Singapore have temporarily suspended business dealings with Myanmar in light of anticipated Western sanctions that may be imposed against the junta.⁹

Overall, the situation in Myanmar remains volatile and violence could escalate further as the Tatmadaw defies international calls for restoration of the democratically elected civilian government and intensifies its crackdown against civilians participating in civil disobedience activities.

Recommendations

The Tatmadaw must:

- Heed the call of Myanmar people and the international community to restore the democratically elected civilian government and respect the fundamental freedoms and human rights of those engaging in peaceful protests against the coup;
- Immediately end its' crackdown and warrantless arrest against civilians. It should also refrain from using recently released prisoners to instigate violent attacks against protesters.

Concerned states should:

- Work through the UN, ASEAN, and other means to exert pressure on the junta to restore the civilian government in Myanmar and release all political detainees including top ranking NLD leaders who were arrested following the coup;
- Adopt targeted bilateral and multilateral sanctions against specific members of the Tatmadaw and their business holdings in Myanmar;
- Consider avenues, such as a resolution of the UN Security Council, for preventively extending the possibility of additional criminal charges against the leaders of the military junta in the International Criminal Court (ICC) and International Court of Justice (ICJ) should further atrocity crimes be committed.

¹ "Myanmar protests continue after violence, raid on NLD office." Al Jazeera online, 10 February 2021, from <https://www.aljazeera.com/news/2021/2/10/myanmar-military-raids-aung-san-suu-kyis-party-headquarters>, accessed on 15 February 2021.

² Agence France Presse, "Myanmar junta cuts internet as troops fire to break protest," South China Morning Post, 15 February 2021, from https://www.scmp.com/news/asia/southeast-asia/article/3121723/myanmar-rattled-army-movements-expected-internet-cut?utm_source=Facebook&utm_medium=share_widget&utm_campaign=3121723&fbclid=IwAR0jFFEWwq6d9cqJn2fC4iVbV1OHjKdEn-DDudRedNHY6nWblOHh5ZdtkA, accessed on 15 February 2021

³ Ibid.

⁴ "Myanmar: Fear of crackdown as military deploys tanks, shots fired," Al Jazeera online, 14 February 2021, from <https://www.aljazeera.com/news/2021/2/14/myanmar-military-deploys-armored-vehicles-to-disperse-protesters>, accessed on 15 February 2021.

⁵ See UN Security Council Press Statement on the Situation in Myanmar, 4 February 2021, <https://myanmar.un.org/en/110643-un-security-council-press-statement-situation-myanmar>, accessed on 15 February 2021. See ASEAN Chairman's Statement on The Developments in The Republic of The Union of Myanmar, <https://asean.org/asean-chairmans-statement-developments-republic-union-myanmar/>, accessed on 15 February 2021.

⁶ See for example the APPAP Statement (<https://appap.group.uq.edu.au/article/2021/02/appap-members-statement-myanmar>); UN Women in Myanmar (<https://asiapacific.unwomen.org/en/news-and-events/stories/2021/02/un-women-calls-upon-all-stakeholders-to-listen-to-the-voices-of-myanmar-women>); Progressive Voice (<https://progressivevoicemyanmar.org/2021/02/09/open-letter-from-civil-society-organizations-calling-on-the-councils-immediate-action-to-ensure-the-protection-of-demonstrators/>); and Southeast Asia Freedom of Expression Network (SAFE) (<https://safenet.or.id/2021/02/joint-solidarity-statement-asean-regional-coalition-to-stopdigitaldictatorship/>)

⁷ Associated Press, “Countries take action against Myanmar following coup,” Independent.ie online, 11 February 2021, from <https://www.independent.ie/world-news/countries-take-action-against-myanmar-following-coup-40078531.html>, accessed on 15 February 2021.

⁸ Ibid.

⁹ Elaine Kurtenbach, “Businesses start to rethink Myanmar as coup ignites protests,” The Associated Press online, 9 February 2021, from <https://apnews.com/article/business-race-and-ethnicity-joint-ventures-myanmar-3857015d04a25dc68d977b7516200e51>, accessed on 15 February 2021.