



**Human Rights Watch**

**Briefing for the Parliamentary Foreign Affairs and Aid Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT)**

**April 9, 2021**

Myanmar security forces have killed [around](#) 600 people, [dozens](#) of them children, since the February 1, 2021 coup, increasingly using excessive and lethal force against anti-coup protesters.

[Millions](#) of people have demonstrated in largely peaceful protests across the country to call for the military to return power to the democratically elected government. In response, the police have used [teargas](#), water cannons, [rubber bullets](#), and live ammunition to quash dissent and terrorize the population.

Security forces have [arbitrarily detained](#) hundreds of politicians, election officials, journalists, activists, and protesters opposing the coup and refused access to lawyers or family members in violation of international law. Authorities have also arrested many people suspected of participation in anti-coup demonstrations or in the opposition Civil Disobedience Movement during nighttime raids on homes throughout the country. In many cases the authorities have refused to confirm their location, forcibly disappearing them, putting them at increased risk of torture and extrajudicial executions during custody. Enforced disappearances are grave violations of international law, and when committed as part of a widespread or systematic attack on a civilian population, are [crimes against humanity](#).

Since the coup, freedom of expression, [already increasingly restrained](#), has diminished considerably. The junta amended the Electronic Transactions Law to prevent the free flow of information and criminalize the dissemination of information through cyberspace, including expression critical of the coup or the acts of the junta. And it has used [emergency provisions](#) to impose effective bans on assemblies in many major cities and towns.

Mobile internet data, already disrupted across the country by [enforced outages](#) since the coup, was entirely cut on March 16. Public Wi-Fi and broadband internet were also cut, leaving just fixed lines such as fiber optic cable available, severely reducing access to the internet. The local

nongovernmental organization Freedom Expression Myanmar estimates that just 0.5 percent of the population now has internet access, meaning a drastic reduction in people's ability to access information, education, and health amid the Covid-19 pandemic. Blanket internet shutdowns are a form of collective punishment and violate international human rights standards.

The junta has also arbitrarily suspended sections of the privacy law, removing basic protections, including the right to be free from arbitrary detention and the right to be free of warrantless surveillance and search and seizure. The military has amended the penal code to create new offenses and expand existing offenses to target those speaking critically of the coup and the military.

[Martial law](#) came into force in 11 townships in Mandalay and Yangon on March 15. Under [Martial Law Order 3/2021](#), any charges against peaceful protesters and journalists in areas under martial law will now be tried by military courts. This all but ensures legal proceedings will deprive those charged for peaceful opposition to military rule of their basic fair trial rights, including the right to appeal.

Renewed conflict on the Myanmar-Thai border has forced at least 20,000 to flee. Increased fighting there and elsewhere in border areas heightens the already tenuous humanitarian situation faced by largely ethnic minority populations.

## **Recommendations**

To respond to Myanmar's military coup and escalating human rights violations, the Australian government should:

1. Immediately impose targeted economic sanctions, global travel bans, and asset freezes on:
  - Leadership of the Myanmar military;
  - All members of the cabinet and the junta, the State Administrative Council, who are current or former military officers;
  - Military business conglomerates Myanmar Economic Holding Limited (MEHL), Myanmar Economic Corporation (MEC), and these entities' subsidiaries; and
  - All directors and officers of these conglomerates and these entities' subsidiaries who are former or current military officers.
2. Work with other governments to block US dollar transactions from foreign companies to the Myanmar Oil and Gas Enterprise (MOGE).

These sanctions and economic measures will only be effective if there is a coordinated and unified approach. So far, the United States, United Kingdom, Canada, European Union,

and New Zealand have all strengthened sanctions on Myanmar, but Australia has not. Myanmar's military earns vast revenues from its military-owned businesses in sectors as diverse as mining, oil and gas, timber, and jade. Depriving the military of its access to foreign revenue will compel the military to negotiate. Sanctions should be imposed and properly enforced. The coordinated and effective enforcement of sanctions by governments will place pressure on financial institutions and corporations doing business with the Myanmar military, even those that are not subject to sanction jurisdictions, since general risk compliance mechanisms will affect business decisions and general legal and reputational risks will increase.

Imposition of targeted sanctions should be linked to specific actions by the military and others sanctioned, who should be notified that sanctions will be eased as key benchmarks are met. These benchmarks should include demands that the military leadership:

- Unconditionally release all individuals arbitrarily detained since February 1, 2021, including members of the democratically elected government at the national, state, and local levels, protesters, activists, journalists, and civil servants, among others.
  - Dismiss all appointments of new ministry heads and chief administrative and state government officials made since February 1; allow previously serving officials to return to their posts; and allow the democratically elected government certified by the Union Electoral Commission to take their seats in parliament and form a government.
  - Cease the use of the military in law enforcement operations, recognizing that even their presence can have a chilling effect on freedom of expression and peaceful assembly. Permit demonstrations and protests in accordance with international human rights standards, including prohibitions on the use of excessive force.
  - Rescind all orders, decisions, and policies adopted by the National Security and Defense Committee and State Administrative Council since February 1 and declare that all revisions to Myanmar law since February 1 are null and void, including changes to the Penal Code, the Privacy and Security Law, and the Ward and Village Tract Administration Law, providing authorities unfettered police powers.
3. Australia should support calls for the United Nations Security Council to impose a global arms embargo on Myanmar. Australia already has an arms embargo on Myanmar, but it should strengthen monitoring and enforcement of prohibitions on arms exports, as well as scrutiny on intermediaries that may be involved in diverting, reselling, or transferring items to Myanmar. Australia should ensure greater oversight over export

licensing to ensure arms are not illegally transferred. Australia should call on Russia and China, as well as Ukraine, Turkey, and Israel, to cut their sales and assistance to Myanmar.

4. Australian officials should regularly make public statements in response to human rights violations, call on Myanmar's military leadership to restore democratic civilian rule, release persons arbitrarily detained, and not commit further rights abuses. Publicly denounce the coup and the military's disregard of the Myanmar people's right to choose their government. Make clear to Myanmar's military leadership of the financial costs and legal liabilities of their actions.
5. Do not invite Myanmar's military leaders to any bilateral or regional events or forums, clarifying that they will be relegated to "pariah status" until democratic rule is restored.
6. Explore all avenues for justice and accountability for grave international crimes committed by the security forces, including through domestic and international courts.
7. Publicly support the International Criminal Court's investigation of forced deportation of Rohingya into Bangladesh and other related crimes, Gambia's genocide case against Myanmar before the International Court of Justice, and the International Investigative Mechanism for Myanmar.
8. Increase support for civil society groups in Myanmar, especially those providing support to marginalized or vulnerable groups, human rights defenders, and independent journalists. Diplomatic staff should meet with these groups, monitor protests and other events, and attend trials of those prosecuted.
9. Improve internet connectivity by expanding alternative internet services into Myanmar—for instance, by satellite linkups from embassies and other locations—and helping social media and international telecommunications and technology companies stand up to harassment by the junta.
10. Suspend all engagement with Myanmar's police force, which has been implicated in numerous abuses as well as the military.
11. Provide safe haven and fast-track Australian visas for those at risk in Myanmar, as well as offering Myanmar people currently in Australia the ability to remain on humanitarian grounds.