



大会

Distr.: General  
14 October 2021  
Chinese  
Original: English

第七十六届会议

议程项目 74(c)

促进和保护人权：人权状况及  
特别报告员和代表的报告

2021 年 10 月 12 日缅甸常驻联合国代表给秘书长的信

谨随函转递题为“关于缅甸令人痛心的局势的备忘录”的文件(见附件)。\*

请将本信及其附件作为大会议程项目 74(c)下的文件分发为荷。

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## 2021 年 10 月 12 日缅甸常驻联合国代表给秘书长的信的附件

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## 1. Introduction

Myanmar has been on the track towards peaceful and federal democratic union under the administration of the democratically elected civilian government since 2016. The civilian government has tirelessly moved towards transforming the country from authoritarian rule to a democratic federal union in the midst of multiple challenges resulted from decades of armed conflicts, years of underdevelopment and social and political stagnation.

Under the civilian government, the General Elections which under normal circumstances takes place every five years were successfully held on 8 November 2020. The peace process has started to achieve momentum. The rule of law was being strengthened, and basic human rights were protected and promoted. At the same time, there were significant improvements in political, economic and social sectors. During the pandemic, Myanmar practiced the “no one left behind” approach and assistance and the vaccination plans included everyone without any discrimination.

However, the Myanmar military staged a coup d’état on 1 February 2021 using the incorrect justification of election and voter fraud during the 2020 General Elections. Independent domestic and international observers had confirmed that the elections, by and large, accurately represented the will of the people. Once the military has taken over the state authority illegally and forcibly, it arbitrarily arrested the high-level government leaders, including President U Win Myint and State Counsellor Daw Aung San Suu Kyi, elected parliamentarians of 2020 Elections, leaders and active members from the National League of Democracy (NLD) political party, and the public figures who supported the civilian government and the NLD party.

The Myanmar people would not accept the coup d’état as it did not respect the will of the people as expressed in the 2020 General Elections, so they started to protest against the military coup peacefully, demanding the military to release the arbitrarily arrested leaders and the people, and to return the country back into the authority of civilian government.

As time went on, the voices of Myanmar people were not only ignored by the military, their peaceful protests were subjected to vicious crackdowns using lethal weapons where many of them have lost their lives, their rights, and their freedoms. As of 2 October 2021, at least 1154 people have been murdered, 8709 arbitrarily arrested and 64 persons including two children have been sentenced to death in accordance with the law amended by the military to use against the people.

Although being strictly monitored by the military, the elected parliamentarians of the 2020 General Elections formed a committee called Committee Representing Pyidaungsu Hluttaw-CRPH on 2 February 2021.

On 16 April 2021, the CRPH, with the authority bestowed by the people during General Elections 2020, established the National Unity Government (NUG), which was greatly welcomed and supported by the Myanmar people. Since its establishment, the NUG has commenced its work as an interim government, leading the people in revolution against the military junta and towards the Federal Democratic Union.

## **2. Developments in Myanmar under the civilian government before the military coup**

### **2.1 The 2020 General Elections**

On 8 November 2020, the multi-party democracy general elections for Hluttaw (Parliament) were successfully held in Myanmar in accordance with the basic principles set by the Union Election Commission, to be free, fair, credible, transparent and the will of the people to be reflected on the result of the election. The votes were casted in over 40,000 polling stations across the country. Out of 38,271,447 eligible voters, more than 27,512,855 voters came to the Voting Stations to cast their votes in a free, fair and disciplined manner.

Myanmar citizens abroad were also able to cast advance votes through the Myanmar Embassies abroad and the Ministry of Foreign Affairs, which were later scrutinized by the UEC and sent to the relevant townships.

Local and international election observers were allowed to observe at the polling booths of the Election. The UEC also extended invitations to international and regional election observers, including Carter Centre, Asian Network for Free Elections and EU Election Observers Mission to freely observe the General Elections.

### **2.2 Rule of Law and Legal Reform**

From 2016 to early 2021, the Government has made significant efforts to improve the prevalence of the rule of law, stamping out corruption, strengthening civil and democratic institutions and the reliability of the judicial system. Myanmar had managed to improve coordination in the justice sector; build public trust; raise judicial knowledge and justice sector planning.

In addition to the enactment of the Legal Aid Law (2016), Myanmar was coordinating with Justice Centers supported by the EU in providing legal advice and legal services to the poor who had been accused of crimes. The National Case Management Program (NCMP) had been established to improve the court performance and timely disposal of the cases.

Myanmar had amended, repealed and promulgated a total of 185 laws between 2016 to January 2021. The Law Amending the Bar Council Act was one of the major legal reform processes.

### **2.3 Promotion and protection of human rights**

#### **2.3.1 Right to Health Care**

Myanmar had been trying to improve nation-wide health care services as well as making continuous efforts to reach an ultimate goal of Universal Health Coverage. Accordingly, the government had increased health expenditure 15 times in 10 years. Due to the long internal conflicts since independence in 1948, the health clusters had been activated to provide primary health care services for conflict-affected people in IDP camps without any discrimination. In responding to the COVID-19 global pandemic, Myanmar held the principle of “leaving no one behind” and its preventive measures covered IDP camps, and the areas controlled by of ethnic armed organizations as well.

### **2.3.2 Right to Education**

The civilian government had increased its expenditure on education to 2.28% of GDP in 2020–2021 Fiscal Year and more budget had been allocated to marginalized and remote areas as a priority. The government introduced a new basic education system by implementing universalization of 12-year free basic education to encourage all school-aged children are in schools and to have access to quality education. Apart from the regular education platform, the government implemented nation-wide some special programmes such as special education programmes for children in IDP camps and Inclusive Access to Quality Education (IAQE) programme for children from migrant families. Furthermore, ensuring all ethnic nationalities had the right to education, the government printed textbooks for ethnic languages and provided the textbooks to the students in ethnic areas for free.

### **2.3.3 Right to Religious Freedom**

As a multi-religious country, Myanmar promoted religious harmony for equal enjoyment of the right to freedom of religion. The ratios of population to religious buildings for different faiths across the country had become comparable.

In respect of bringing interfaith harmony, the Religions for Peace (RfP) Myanmar and the Interfaith Friendship Group (Myanmar) had signed a Memorandum of Understanding (MoU) in February 2019 with the goal of building religious harmony and countering religious hatred through interfaith friendship activities.

In addition, the directive of the President's Office on the prevention of proliferation of hate speech in April 2020 also contributed to reducing hatred and enhancing mutual respect among communities of different faiths.

### **2.3.4 Gender Equality, Rights of Women and Addressing Sexual Violence**

The Government had made much progress towards ensuring gender equality with the recognition of women's rights in Myanmar. Non-discrimination and equal opportunity in all functions were not only the constitutional rights of the people of Myanmar but also the core principles of the Government.

The Government signed a Joint Communiqué with the UN on the prevention and response to conflict-related sexual violence in December 2018. A National Committee was established and has developed an Action Plan to identify priority implementation areas such as the issuance of clear directives by the military, investigation of alleged violations and prosecution of perpetrators, capacity building of law enforcement officers, legal reform measures, and strengthening of service delivery for survivors.

### **2.3.5 Rights of Children including Children in Armed Conflicts**

Following the enactment of the new Child Rights Law in July 2019, the Rules to be passed under the Child Rights Law was being discussed with key stakeholders. The new law set the age of a child as 18. All children are guaranteed to the right to register at birth and the law contained other protections including the prohibition of all forms of violence against children. A National Committee had been formed to effectively implement the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (CRC-OPAC) in line with the international standards and domestic laws.

The Nationwide Case Management Supervision Unit was established in October 2020 for better supervision of social cases and exchange of information.

Myanmar was constructively cooperating with the UN to implement the Joint Action Plan to address the recruitment of child soldiers since 2012. In June 2020, the UN recognized the positive measures undertaken by the military and delisted it from the list of military bodies that recruit child soldiers for combating purposes.

However, due to its failure to cease the use of children in armed conflicts, the military (Tatmadaw – Kyi) was relisted in 2021.

### **2.3.6 Rights of Persons with Disabilities**

As of January 2021, there were 2.3 million people with disabilities in Myanmar, which is equal to 4.6 percent of the total population. To provide sufficient standards of protection for the civil, cultural, economic, political and social rights of persons with disabilities is among the Government's top-most priorities.

In line with the Convention on the Rights of Persons with Disabilities (CRPD), the Government had enacted the Law on the Rights of Persons with Disabilities in 2015, the Rules on the Rights of Persons with Disabilities in 2017, and a Strategy on Development of Persons with Disabilities for 2016 to 2025. Under the guidance of a National Committee established under those laws, considerable progress had been made such as developing National Action Plan and Barrier Free Tourism Pilot Project, and launching rehabilitation schools, special education programmes and other social integration schemes which ensure full participation of persons with disabilities in Myanmar society.

A national strategic master plan for people with disabilities (2020–2025) in line with the 2030 Agenda had been developed. Model facilities for the persons with disabilities were available in some parts of the capital city to develop a Barrier Free Community. The government has planned to allot more funds, totaling Kyats 3 billion capital amount for promotion and protection the rights of persons with disabilities and there was to be loan processes for the persons with disabilities.

### **2.3.7 Labour Rights**

Myanmar had ratified the ILO's Forced Labour Convention 29, Freedom of Association and Protection of the Right to Organize Convention 87 and Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour 182 respectively.

One of the major developments was Myanmar's ratification of the ILO Convention No. 138, Minimum Age on 8 June 2020. Myanmar has also declared 14 years old as the minimum age for admission to employment or work.

To fulfill the obligations of the Minimum Age Convention and elimination of the Child Labour Convention, a National Committee on Child Labour Eradication, chaired by Vice President U Myint Swe had been formed on 5 February 2018. The National Action Plan on the Elimination of Child Labour (2019–2023) was adopted in 2019.

The National Complaints Mechanism (NCM) was established in February 2020 under the Myanmar Decent Work Country Programme- DWCP (2018/2021). The Action Plan for the elimination of forced labour (2019–2021) was being implemented.

### **2.3.8 Freedom of Expression and Media Freedom**

The Myanmar Press Council (MPC) had occasionally released the list of websites and social media pages which violated media ethics.

The Government was promoting media freedom and freedom of expression. Since the elimination of the Press Scrutiny Board in August 2012, without pre-publication censorship, the number of publications in Myanmar had increased up to 2992 as of December 2020. There were 349 news agencies as of December 2020. Daily regional news in different states and divisions were broadcast in eleven ethnic languages on Myanmar Television.

In conformity with liberalization measures, the News Media Law had been amended to better protect press freedom.

The Myanmar Press Council had resolved a total of 38 out of 162 complaints between October 2018 to March 2020. The MPC successfully intervened in 4 cases which were in criminal trial. Due to the intervention of MPC, the military dropped its charge against journalists from DVB and Eleven media group and also withdrew its lawsuits against the Irrawaddy's Myanmar editor and Reuters News Agency. The Ministries of Defence and Home Affairs also withdraw 4 lawsuits and transferred them to MPC for resolution.

Regarding media access, from 2016 to 2020, a total of 36 media trips to the Rakhine State were arranged.

The Protection against Hate-Speech Bill had been drafted in line with the relevant international standards, existing laws and local needs to prohibit hate speech without breaching the freedom of expression. The Office of the President also issued a directive on prevention of incitement to hatred and violence or prevention of proliferation of hate speech on 20 April 2020.

The Ministry of Information, in cooperation with UNESCO has been implementing the project on "Preventing hate speech and promoting peaceful society through Media and Information Literacy" to conduct trainings on staffs and local communities.

### **2.3.9 Rights of Ethnic Nationalities**

The Ethnic Rights Protection Law was enacted by Pyidaungsu Hluttaw in February 2015. The Ministry of Ethnic Affairs was established on 30th March 2016 in accordance with the law, to address ethnic issues. The Ethnic Rights Protection Bylaws were enacted in August 2019, and the first amendment was enacted in July 2020. The Law and Bylaws were translated into 51 ethnic languages, with the support of ethnic literature and culture associations, and distributed to relevant ethnic people.

COVID-19 related information by the Ministry of Health and Sports was translated into 86 ethnic languages and information on COVID-19 related matters for IDPs was translated into 12 languages.

## **2.4 Economic Developments in Myanmar**

Myanmar's commitment to building a resilient, sustainable and environmentally friendly system of economic development was evidenced by the ratification of Paris Agreement in 2017.

Like many countries, Myanmar was not excluded from the devastation and uncertainties caused by the outbreak of COVID-19. Myanmar had been putting tremendous efforts into responding and mitigating these effects through short and medium-term recovery plans such as COVID-19 Economic Relief Plan (CERP). At the time of the coup d'état the drafting and consultation process for the Myanmar Economic Resilience and Reform Plan (MERRP) was ongoing with the aim to lessen socio-economic impacts aftershocks.



Myanmar had created a number of instruments, to promote responsible investment and good corporate behaviors, including the adoption of the Anti-Corruption Law in 2013. The new Myanmar Investment Law and Myanmar Companies Law were enacted in 2016 and 2017 respectively. The Government has also created the Project Bank to identify, plan, prioritize, procure and deliver projects which would assist the Government to achieve the Myanmar Sustainable Development Plan (MSDP). As a result, considerable improvements had been recorded in a number of indicators. Myanmar had remarkably improved its ranking by 6 places to 165th of the World Bank's 2020 Ease of doing Business Index.

## **2.5 International Treaties and Implementation**

Myanmar ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in October 2017 and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-AC) in September 2019.

Recognizing the role of human rights in business sector, a number of conventions, such as ILO Minimum Age Convention have been ratified in 2020 under the leadership of democratically elected government.

## **2.6 Cooperation with the UN mechanism**

The civilian Government of Myanmar had closely cooperated with the Special Envoy of the UN Secretary-General on Myanmar, since her appointment in April 2018, the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative of the Secretary-General on Sexual Violence in Conflict.

## **2.7 COVID-19 Preventive Measures**

To address the COVID-19 pandemic, the civilian Government formed the National-Level Central Committee headed by the State Counsellor. Under the guideline of that committee, the Government had taken a whole-of-nation approach in combating the COVID-19 pandemic, mobilising the strength of the people and seeking their full participation.

The Government laid down the principle of "leaving no one behind" which covers all vulnerable communities, including people living in non-governmental controlled areas, IDPs, prisoners, persons with disabilities and workers coming back from abroad.

For persons with disabilities, the civilian Government worked closely with the Disabled People Organizations to make Covid-19 measures are disability inclusive, and the information are accessible, and to provide necessary assistance to persons with disabilities.

The civilian Government disseminated information on COVID-19 in IDP camps through all possible means. Mobile operators were sending updated information related to COVID-19 through the Short Message Service (SMS) to the IDPs.

## **2.8 Universal Periodic Review (UPR) Third Cycle**

The national report of Myanmar for the third cycle Universal Periodic Review was submitted to the Working Group of UPR in October 2020 and it has been successfully reviewed during 37th session of UPR Working Group in January 2021.

The session was participated by the Myanmar delegation led by Union Attorney General U Tun Tun Oo, with the members from different government sectors. During the review, Myanmar received total of (355) recommendations, among which (119) enjoyed the support of Myanmar, (46) did not enjoy the support of Myanmar and (190) will be examined by Myanmar.

## **2.9 Rakhine State Affairs**

The issue of Rakhine State and the return of displaced persons was one of the focus areas of civilian government. With its eagerness to effectively address the issue in multisectoral approaches, the civilian government, during its tenure of five years, formed a number of committees including the Advisory Commission on Rakhine State, chaired by Dr. Kofi Annan, the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine (UEHRD), led by the State Counsellor, and the Independent Commission of Enquiry (ICOE), led by Ambassador Rosario Manalo, and it had been implementing the recommendations received from respective committees with action plans.

In its efforts to commence repatriation process, the civilian government had signed bilateral agreements with Bangladesh, had series of discussions and had been verifying the lists of displaced persons. Beside bilateral effort, in order to facilitate the repatriation process, the civilian government had been cooperating with UNDP and UNHCR under an MoU since 2018 in which 75 Quick Impact Projects had being implemented and with ASEAN where four joint projects were brought to endorsement. Furthermore, trilateral discussions among Myanmar, China and Bangladesh were also held for expedition of the repatriation process. Considering the need to address long-rooted trust deficit issue among communities to ease the repatriation effort, the civilian government conducted social cohesion campaigns, community dialogues and workshops in Rakhine State.

However, every effort and step taken by the civilian government had limitations and drawbacks posed by non-cooperation of the military as well as by its systematic and strategic measures against the civilian government.

## **3. Military coup and its following situation**

While the country had been working towards the achievements set out above, on 1 February 2021, the Myanmar military staged the coup d'état in contravention of the Constitution of Myanmar by declaring a state of emergency.

Since the coup, the military has ignored the voices of the Myanmar people and calls for cessation from the international community, including ASEAN, and has continued to perpetuate the illegal coup and human rights abuses including extrajudicial killings, torture, arbitrary arrests, raiding, destroying and looting private property, threatening, taking hostages and sexual violence against the people of Myanmar, including women and children. Due to the strategic and targeted nature of these attacks, many of these actions amount to crimes against humanity and war crimes.

As of 2 October 2021, more than 1154 people have been ruthlessly murdered by the military whose constitutional duty is to protect its citizens. In addition, thousands of people have been injured by live ammunitions, rubber bullets and tear gas bombs and hundreds of them are in a critical situation.

In addition, from 1 February 2021 until 2 October 2021, over 8,709 people including the leaders of the elected government have been arbitrarily arrested by the

military. Individuals who have connections with the NLD political party, journalists, celebrities and influencers who have been joining the people in fighting for justice, the civil servants who stand together with the people and against the military have all become the target of the military. Those people have been arrested and some have been tortured, or they are subject to arrest warrants and are in hiding. Some of those people who have fled to another country have been put on a blacklist by the military and their passports declared null and void.

At the same time, basic human rights of the people are seriously violated by the military forces, on a daily basis.

### **3.1 Peaceful protests**

The Myanmar people refused to accept an illegal and unconstitutional coup by the military and peaceful protests, joined by millions of individuals from all walks of life, against the military coup began on 6 February 2021 all over Myanmar. As the protests gained the momentum, the military junta took brutal and inhumane actions against protestors using live ammunitions, rubber bullets and tear gas bombs even snipers in order to threaten and intimidate the people not to continue their protests. These actions involved a totally disproportionate response to the peaceful protestors and there is evidence of not just of the use of lethal weapons involving live ammunition but the use of serious weaponry including rocket-propelled grenades (RPG).

As days have passed, the military not only shot towards the peaceful protestors, but also started to commit extra-judicial executions of journalists reporting on protests and innocent by-standers who were not even involved in the protests. The military also started shooting civilians at gathering areas before and after the protests, following some protestors on their way home and arresting and torturing some protestors, hitting the protestors with private cars, and torturing and arresting the injured protestors. The security forces included police, military officers and plain clothed security forces.

One significant incident was arresting Wai Moe Naing, the youth leader of the protests in Sagaing Region by hitting him on his motorcycle during the motorbike rally with the private cars and arbitrarily arresting him.

### **3.2 Enacting laws which amend the existing laws and proposing of new laws**

At the time of the coup, the military installed the State Administration Council (SAC). Since the coup, the SAC has enacted State Administration Council Laws which amended the existing laws of Myanmar in order to arbitrarily arrest and charge the civil servants and the civilians who acted against and speaking critically of the coup and the military both online and offline, as well as those who personally support or encourage others to support the Civil Disobedience Movement. Those laws are as follows:

- Amended the Yangon City Development Law and suspended the Chapter 3 and 4 of the Law (10 February 2021)
- Amended the Mandalay City Development Law and suspended the Chapter 3, 4, 5 and 6 of the Law (10 February 2021)
- Amended sections of the Ward and Tract Administration Law that reinstated the requirement to report overnight guests (13 February 2021)

- Suspended Sections 5, 7 and 8 of the Law Protecting the Privacy and Security of Citizens (2017) which provided the basic protections, including the right to be free from arbitrary detention and the right to be free of warrantless surveillance and search and seizure (14 February 2021)
- Added new provisions and substituted existing provisions to Penal Code Section 121, 124A-D and 505 that created new offenses and expanded existing offenses against those who intends or causes sabotage or to hinder the success of performance of the Defence Services and law enforcement organizations, as well as disrupts or hinders the Defence Services personnel and Government employees towards the Government (14 February 2021)
- Amended the Code of Criminal Procedure to make the new and revised offenses non-bailable and subject to warrantless arrest (14 February 2021)
- Amended and introduced new provisions to the sections in the Electronic Transactions Law that allows government confiscation of personal data and criminalizes the information sharing online (15 February 2021)

On February 9, 2021, the SAC released a new, draft Cyber Security Law. A total of 9 Mobile operators and telecoms licence holders received a copy of the 36-page document outlining the proposed law and were given less than a week to respond.

### **3.3 Civil Disobedience Movement (CDM) against the military**

To protest against the military coup, doctors in the government service initiated the Civil Disobedience Movement (CDM) on 2 February 2021. The movement gained the momentum once the civil servants from other government sectors followed the suit of doctors on 8 February 2021. To date, tens of thousands of civil servants have joined the movement.

As the counter action against all the civil servants who have joined the CDM, the military group firstly threatened them to come back to work by informing them individually as well as announcing through the military-controlled media. When they refused, the military group suspended, dismissed, and removed them. Thousands of staff including professors, teachers, doctors, officers and staff from different ministries were dismissed or removed from their positions. Some civil servants who lived in government housing were forced out of their houses on to the street. In some cases, the civil servants who joined or supported the movement were warranted and arrested as a warning to the rest. The medical doctors who joined the CDM were threatened that their medical license will be revoked if they did not go back to work. At the same time, through the military-controlled media, it was announced that all CDM doctors will be persecuted while some of them were already in the warrant list of the military under article 505 (a) of the Penal Code.

While taking actions against the CDM staff, the military even arrested their family members including children. Dr. Htar Htar Lin, Director of National Programme on Immunization who joined the Civil Disobedience Movement following the coup, was charged under Article 505 (a) of the Penal Code. She was arrested on 10 June 2021 together with her husband and her seven-year-old son.

### **3.4 Atrocities and inhumane activities**

The military has been committing countless atrocities such as shooting peaceful protestors on the streets using live ammunition, beating civilian population at will, raiding residential neighbourhoods at night, destroying and looting private property,

and stationing in public facilities such as hospitals, schools and religious facilities. In some incidents, SAC-sponsored-terrorists detained the members of National League for Democracy (NLD) at night, arbitrarily arrested individuals at night, sent the dead bodies of those arrested back to the family the following morning. Towns and communities across Myanmar, including major urban centers such as Yangon and Mandalay, have been turned into execution grounds of the junta army. Battalions of soldiers have been wandering around neighbourhoods not just in broad daylight but also under the cover of darkness and internet blackouts.

Among the first victims of the military's brutal actions, was a 19-year-old girl, Ma Mya Thwate Thwate Kaing, who participated in the peaceful protest in Nay Pyi Taw on 9 February 2021 and was shot in the head by security forces. She was standing under a bus shelter, taking cover from water cannons, when she was shot. Subsequent analysis of images from the protest showed police carrying Myanmar-made BA-94 or BA-93 clones of the Uzi sub-machine gun, contradicting the Myanmar military's statement that security forces only had only deployed non-lethal weapons.

During 8 months under the military coup, nearly 100 children have lost their lives due to the brutal actions of the military. One of the victims was a six-year-old girl from Mandalay who was shot in the stomach by one of the security forces which raided her house looking for her father. She passed away on the way to the hospital.

On 10 August 2021, the security forces attempt to arrest youths in a 44th Street apartment in Yangon. 5 youths jumped to their deaths rather than be arrested and tortured by the security forces. Two of them died instantaneously, including Wai Wai Myint, a 29-year-old mother known as Apple. The others were arrested and are currently on trial.

On 25 September 2021, the security forces of the military junta raided the apartment at Myaynigone Township, Yangon, around 1 am, captured 4 persons, including one CDM doctor and one CDM nurse, who have actively participated in the protests against the military junta. The security forces shot them on the street, and tortured to death those who survived the shooting.

During the conflicts with local ethnic armed resistance at ethnic areas, the offensive and indiscriminate attacks with use of excessive forces and air strikes by the military forces have killed and injured many local civilians, and forced the local people to flee from their places. Since situations as such happened across the country, according to the UN reports, the number of internally displaced person have increased to over 300,000. These IDPs live often in terrible circumstances with insufficient food, rampant COVID and fear of persecution by the military including sexual violence and execution.

Throughout the 8-month period under the coup, the military's aggression in Kani Township, Sagaing Region was one of the most significant proofs of the inhumane and terrorist acts of the military. The military targeted and destroyed the areas in Kani Township and surrounding villages by shooting, arresting, and raiding the areas. Due to the serious attacks of the military groups, the local residents from all the villages in Kani and surrounding villages had to flee into the forest or to the nearest villages. According to the reports, those IDPs have experienced food and medical shortages. In addition, those who travelled to Monywa township to buy necessities also suffered from the extortion, assaults, intimidations and tortures by the military group.

Reports showed that in July, there were at least four massacres committed by the military against the civilians where 43 people have been killed. In the first incident, four headless dead bodies were found on 3 July 2021 and according to local people, those bodies belonged to the men from different villages who were arrested by the military group on 1 July 2021. Secondly, 16 dead bodies of the local people from 4

villages in Kani Township were found on 11 and 12 July. Those people were among the 26 local people who were abducted by the military group after they have entered their villages on 9 and 10 July 2021. According to the local people, there were signs of severe tortures including the bruises and cuts on faces and necks. Another two similar incidents happened in the surrounding villages of Kani township in the following days of July. A total of 12 and 11 dead bodies of the local residents were found with wounds and injuries of severe tortures in the following days of the military raids to the villages of those dead people.

Besides arresting, torturing and killing the local villagers, the military groups raided the villages and looted money, valuable things and private properties including the rations and livestock of the villagers.

However, Kani is not the only township which has suffered multiple massacres. In September 2021, the military conducted at least 2 massacres with 24 recorded executions in Gantgaw Township in the Magway Region. On 9 September 2021, security forces raided Myinthar Village in Gantgaw Township and killed 18 people. There were 13 members of a local resistance force killed and 5 villagers. Amongst the dead bodies were bodies with bruises from beating with guns to the head and back, bruises from handcuffing, shots to the head and one elderly male was tied to a chair and shot in the back of the head.

### **3.5 Violation of human rights**

The right to life, fundamental freedoms and the right to privacy as well as private properties of the unarmed civilians have been under constant threat since the military coup. In different cities across the country, checkpoints where the security forces searched the properties of the people around the area including the data inside the personal mobile phone or laptop. Without any reason, the valuable belongings or a mobile phone of a person may be taken. If there are any photos or data related to the military coup or against them, the person would be arrested.

There were a number of cases at which groups of civilians were arrested with the charges of opposing the military or contacting to the people who are against the military. Some people are even arrested for supporting the civil servants who joined CDM. If a person refused to be searched or tried to run from the checkpoint, they were tortured or arrested or shot to death.

### **3.6 Internet blackout and violation of freedom of expression**

The military junta blocked communication channels, particularly the Internet and mobile services on the first day of the military coup. After a week, the internet service was cut out from 1 am to 9 am every day for more than two months.

At the same time, the local news agency and media were warned not to use the terms including “military coup” or “dictatorship”. In addition, those media which broadcasted the truth about what was happening including videos in which the police force is shown to be brutally committing human rights abuses and atrocities were forced to close down.

On 9 March, the military revoked the license of 5 local media outlets including Mizzima, DVB, Myanmar Now, Khit Thit and 7 Day News. Starting from 17 March 2021, all the private local daily newspapers have totally stopped the functions.

From 15 March 2021 until October 2021, the mobile internet and Wi-Fi services have been periodically cut throughout the country. The main reasons behind these

internet blackouts were to make people unable to access to the update news and connect with each other as well as to record and post the videos of the military's brutalities and atrocities on the social media in a timely manner. Since August, often an internet black-out immediately precedes a military raid on the relevant village or township.

A list of abuses against the media and freedom of expression is set out in Annexure 1.

### **3.7 Violence and sexual harassment to women under detention**

The military-controlled media usually present pictures of those who were arrested and announce the reasons for the person being arrested. According to the pictures of some detainees, it was visible that they were brutally beaten and tortured during interrogation. Some people were abducted by the military at night and the families were informed to take back the dead bodies in the following morning. In some cases, the military informed the family of the arrested person that the cause of death in the next morning was the COVID-19 infection and the body could not be returned to the family and had already been cremated. According to the families which experienced those similar situations, the arrested people were in good health and it was not possible for someone to pass away with COVID-19 from just one night in detention when they were arrested without any symptoms. The only possible explanation is that the person was tortured to death and the military has cremated the body to hide the crime.

There is also evidence of sexual assaults during detention. For example, an under-aged girl who was detained by the military earlier and released told RFA on 22 April 2021 that she witnessed that another young woman, who was detained and announced with picture on military-run media, was tortured in many ways by the security forces including sexual harassment and assault.

### **3.8 Crimes committed amidst COVID-19**

Although the civilian government put its utmost effort to handle the outbreak of COVID-19 during the first and second waves, the people of Myanmar suffered a lot from third wave under the military dictatorship.

Lacking management, resources and people's confidence and cooperation, the military could not manage to properly operate COVID-19 treatment centres, hospitals and quarantine centres. In addition to its incapacity, the military did not permit most of the private medical centres to provide treatment to COVID-19 patients and irrationally threatened, tortured and arrested medical personnel and volunteers who were providing services to patients. At the peak of third wave, when the country was facing shortage of oxygen and essential medicines, the military exacerbated the situations by commanding private oxygen plants to stop selling to individuals, restricting the import of oxygen inhalators, and cracking down on people who were in queue to refill oxygen or to buy medicines.

As a result of the military's ill-intentioned response, death-toll rose to its highest number in July and August 2021; with more than a thousand of dead bodies arriving at cemeteries per day in mid-July in Yangon alone. Most of the lives are believed to be saved with access to proper medical treatment. Military's acts of crimes against humanity during pandemic also include deprivation of medical treatment to COVID-19 patients in detention and prisons.

### **3.9 Impacts on economy and development**

The illegal coup and its brutal acts threaten the lives, health and wellbeing of hundreds of thousands of people across Myanmar. According to the United Nations Development Programme (UNDP), the combined impacts of the military coup and COVID-19 could result in about 25 million people – nearly half of Myanmar's population – living below the national poverty line by early 2022. Both World Bank and Asian Development Bank expect Myanmar's GDP to contract by 18% in 2021. Currently, uncontrollable inflation and alarming rise in commodity prices are severely hurting the whole population. This shows a massive loss of hard-won development gains over the last decade.

### **3.10 Resistance against the military**

Since the beginning of the coup, while protesting against the military, the people of Myanmar have pleaded the international community including the United Nations to intervene as necessary and end their sufferings. However, while the international community was debating on the situation in Myanmar, several people have already lost their lives, their family members, their jobs and their freedoms. Being under the repressions of the military together with its inhumane and irrational actions for so long, and feeling defenseless and helpless with no hope of international intervention to stop the military dictatorship, people in Myanmar decided to resist against the military with their own strength.

People's Defense Forces (PDF) were formed among the local youths and local people to resist against the military forces. Despite the military's efforts to track and arrest the members of the PDF, the youths who were joining the PDF and the people who supported the PDF, the strength of PDFs in different areas grows larger and the armed conflicts between the military and the PDFs have been increasing in number and geographical reach across Myanmar.

## **4. The Committee Representing Pyidaungsu Hluttaw (CRPH)**

The Committee Representing the Pyidaungsu Hluttaw (CRPH) was established on 2 February 2021 immediately after the military coup. The Committee is composed of the elected representatives (parliamentarians) from the 2020 General Elections. The committee aims to resolutely perform those necessary activities and duties that have been entrusted by the people of Myanmar, to ensure the unconditional release of those arbitrarily detained including the President and the State Counsellor of Myanmar, and to conduct the regular functions of the Pyidaungsu Hluttaw.

It closely cooperates with the respective stakeholders seeking to end the military dictatorship, the immediate release of political prisoners including President U Win Myint, State Counsellor Daw Aung San Suu Kyi and other detainees, to restore democracy and to abolish the 2008 Constitution and to adopt a new Constitution which is based on the Federal Democratic System, as envisaged in the Federal Democratic Charter published by the NUG.

The CRPH had taken charge of the executive sector until the NUG was officially formed on 16 April 2021 in addition to its other functions. Afterwards, it resumed its initial tasks of Hluttaw (Parliament) in the legislative sector.

Until 30 September 2021, the CRPH has enacted and approved a number of laws including Myanmar State Counsellor Act 2021 on 9 February 2021, Federal



Democracy Charter was enacted on 31 March 2021 and the third amendment of the Public Debt Management Law on 14 June 2021.

## 5. The National Unity Government (NUG)

The National Unity Government is the Interim Government formed by the CRPH on 16 April 2021, with President U Win Myint and State Counsellor Daw Aung San Suu Kyi, Vice President Duwa Lashi La as Heads of State and Prime Minister U Mahn Win Khaing Thann as Head of Government. At the moment, Vice President Duwa Lashi La is leading the NUG as the Acting President. The cabinet of the NUG includes (16) ministries.

On 30 May 2021, the NUG released a statement which explains its efforts to cooperate with the International Court of Justice in order to ensure that the NUG is in compliance with Myanmar's international legal obligations. In addition to the intention of the NUG to ensure continuity of representation before the Court, as set out below, the NUG has a declaration to the International Criminal Court requesting it to exercise jurisdiction over crimes since 2002 when the court was established.

### 5.1 Mandate and Ministries of the NUG

As set out in the Federal Democratic Charter:

“The duties and mandate of the National Unity Government are: (1) the Interim National Unity Government shall implement the political objectives, goal and political road map prescribed in this Charter; (2) Interim National Unity Government shall create space where partner political parties, ethnic armed revolutionary organizations and civil society organizations can work together in order to discuss and validate political agreements and implement the way forward; (3) Interim National Unity Government shall adopt a strategy for eradication of dictatorship, abolishment of 2008 Constitution and building of Federal Democracy Union and implement the strategy; (4) Interim National Unity Government shall develop and implement ministerial plans while implementing the policies and strategic plans of Interim National Unity Government in accordance with the goal, objectives and political road map of the Charter and (5) Interim National Unity Government shall apply a wide range of approaches such as political, economic, social, foreign affairs and diplomacy, defense and security to achieve the defeat of military junta.”

The following ministries were included under the NUG: Ministry of Defence, Ministry of Health, Ministry of Planning, Finance and Investment, Ministry of Foreign Affairs, Ministry of Education, Ministry of Home Affairs and Immigration, Ministry of Federal Union Affairs, Ministry of Humanitarian Affairs and Disaster Management, Ministry of Human Rights, Ministry of Natural Resources and Environmental Conservation, Ministry of International Cooperation, Ministry of Women, Youths and Children Affairs, Ministry of Labour, Ministry of Justice, Ministry of Communications, Information and Technology and Ministry of Electricity and Energy.

The Union Ministers and the representatives of the NUG have been actively engaging with the international community, including the representatives from the parliaments and the government of the United States, the United Kingdom, Czech Republic, EU, Denmark, Sweden, Finland, Belgium, Netherlands, Japan, Republic of Korea and Australia.

## **5.2 The Policy Position the NUG on the Rohingya in Rakhine State**

The Policy Position of the National Unity Government of the Republic of the Union of Myanmar on the Rohingya in Rakhine State was issued on 3 June 2021 after consultations with different stakeholders in Rakhine State, including Rohingya groups and representatives of refugees from the IDP camps.

This historic announcement represents a landmark step towards resolving the issue at its root and acknowledges the rights of Rohingya and atrocious crimes committed against them by the military. It sets out the guiding principles and approaches which will be adopted by the NUG in seeking to address issues in the Rakhine State. Key commitments by the NUG include:

1. The NUG will seek justice and accountability for all crimes committed by the military against the Rohingyas and all other people of Myanmar as is demonstrated by submitting a declaration to the ICC conferring jurisdiction over human rights crimes in Myanmar;
2. The NUG will fully implement the 88 recommendations of the Advisory Commission's Report and other inputs as the basis of working together with people in the Rakhine State to chart a new course towards a democratic, inclusive, and prosperous future;
3. The NUG will consult widely on the drafting of a new Constitution, including all stakeholders in Rakhine;
4. The process of repealing, amending, and promulgating laws, including the 1982 citizenship Law, by the new constitution when the drafting is completed will be beneficial in resolving the conflict in Rakhine State. The NUG will ensure a new Citizenship Act basing citizenship on birth in Myanmar or birth anywhere as a child of Myanmar citizens;
5. The NUG will abolish the process of issuing National Verification Cards; and
6. The NUG will work to support the repatriation of Rohingyas as soon as repatriation can be accomplished voluntarily, safely and with dignity.

Appendix 2 sets out the text of the NUG's Policy Position on the Rohingya in the Rakhine State.

## **5.3 Accepting the jurisdiction of the International Criminal Court**

The NUG is committed to ensuring accountability and ending impunity for those high-ranking officials and their subordinates from the military who committed the violation of human rights and international humanitarian law. Accordingly, the NUG lodged a declaration with the registrar of the International Criminal Court (ICC) on 17 July 2021, accepting the jurisdiction with respect to the international crimes committed in the territory of Myanmar since July 2002.

## **5.4 Activities of the NUG**

The NUG prioritizes the welfare of the people so that they can enjoy their basic rights during the pandemic as well as during the revolutionary period against the military junta. Through the website and media, the Ministry of Health provides regular programmes and videos explaining the do's and don'ts in taking care of COVID-19 patients, regarding nutrition and drugs, etc.

The Ministry of Education also plans to open basic education, vocational education and the advanced education programmes for young generations. Lessons will be delivered through the online platforms, including the Moodle platform created by the ministry, Zoom platform and mobile applications. For the students in the areas without internet access, the package of educational video files will be transferred. In addition, the ministry has been delivering online lectures related to the establishment of the Federal Democratic Union, Federal Education, Democracy, Human Rights, etc. as a public lecture.

The Ministry of Humanitarian Affairs and Disaster Management issued guidelines and policies for the civilians in preparing for the disasters and conflicts. The Ministry of Women, Youth and Children Affairs ensures that women, youths and children are protected from human rights violations and able to fully enjoy their rights.

## **5.5 Cooperation with the United Nations and its mandate holders**

Since its establishment, the NUG has been closely cooperating with the United Nations mandate holders, including the Special Envoy of the Secretary-General of the United Nations on Myanmar, the Special Rapporteur on the situation of human rights in Myanmar as well as the international accountability mechanisms, including the UN Independent Investigative Mechanisms for Myanmar.

During the 47th and 48th Regular Sessions of Human Rights Council, Union Minister for Human Rights of the NUG has participated in the side events as panelists. The NUG also sent the evidences of the crimes the military has committed to the IIMM.

## **6. Conclusion**

Myanmar had been moving towards a more democratic, open, inclusive and free society under the leadership of the elected civilian government. Significant developments could be seen throughout the country and people from different walks of lives were able to enjoy their basic rights without any discrimination.

However, the coup d'état in Myanmar on 1 February 2021 has made the country turned backwards and it has fallen into chaos. The people of Myanmar are in peril. More than 240 days have passed since the coup, and everyday, innocent civilians in Myanmar who just wish to live in a peaceful, democratic and prosperous country were being brutally killed and their rights being violated by the military.

While the NUG is trying its best to carry out its responsibility to remedy the unlawful oppression, fear, uncertainty, and struggle for livelihood and to turn the current situation into a safe, secure and peaceful one for the people of Myanmar, it has repetitively called upon the United Nations and the international community to eliminate the military's atrocities against its civilians.

Each passing day costs lives and freedoms of innocent Myanmar civilians. Thus, there is no time to waste the total elimination of the military coup and authoritarian system in Myanmar. In this regard, Myanmar looks to its friends and the international community for the constructive support in speeding up the efforts of the people and the National Unity Government of Myanmar.

## Annexure 1

### Human rights abuses against the media and freedom of expression

<i>Incident</i>	<i>Date</i>	<i>Details</i>
Arrest of two reporters in Monywa (Sagaing Region)	24 February 2021	Two reporters were arrested after they published a video in which an interviewee alleged that he was sent by the Tatmadaw to set shops on fire. They were released within 24 hours.
Arrest of a Japanese reporter	26 February 2021	A Japanese reporter was arrested for taking photos at a protest.
Arrest of 2 photographers in Hledan	27 February 2021	Two photographers were arrested during the peaceful protests in Hledan.  Ko Thein Zaw, an Associated Press Photographer, was arrested as he covered a protest in Yangon. He has been charged under Article 505 of the Penal Code with “causing fear, spreading false news or agitating directly or indirectly a government employee”. He is being held in Insein Prison.  On 12 March 2021, the journalist appeared in court by video-link and the second hearing is scheduled for 25 March 2021.
Arrest of 2 journalists in Magway	27 February 2021	2 journalists were arrested during the peaceful protests in Magway.
Arrest of Kay Zon Nway, journalist at Myanmar Now	Late February 2021	Kay Zon Nway was arrested while livestreaming a protest in Yangon. She is being held at Insein prison and was remanded in custody until 12 March 2021.  Kay Zon Nway was arraigned in the Sanchaung Township Court as she was arrested in Myaynigone.  She was released on 30 June 2021.
Arrest of a reporter from Monywa Gazette	1 March 2021	1 reporter from Monywa Gazette was arrested. His whereabouts remains unknown.
Arrest of Kaung Myat Hlaing, a journalist for the Democratic Voice of Burma (DVB)	2 March 2021	Kaung Myat Hlaing, a journalist for the DVB was arrested.
Arrest of 1 journalist in Taunggyi	8 March 2021	One journalist was arrested in Taunggyi.
Raid of Myanmar Now Office	8 March 2021	The office of the news outlet was raided. There was no one in the office.
Military revokes the licence of media outlets	8 March 2021	The military revoked the licenses of Mizzima, DVB, Myanmar Now, Khit Thit and 7 Days
Arrest of Sai Zin Di Di Zon, a journalist for Eastern Review Media	8 March 2021	Sai Zin Di Di Zon was arrested whilst covering the protests in Taunggyi (Shan State) but was released a few hours later

<i>Incident</i>	<i>Date</i>	<i>Details</i>
Raid of Kamayut Media office	9 March 2021	The office of the news outlet was raided. There was no one in the office. An eyewitness stated that there were 8 trucks and the military broke into the office and searched for about 2 hours. They then loaded equipment and materials taken from the office into the trucks.
Raid of Mizzima Media office	9 March 2021	The office of the news outlet was raided in Star City. There was no one in the office.
Arrest of co-founder of Kamayut Media	9 March 2021	Co-founder of Kamayut Media, Har Thar Nyein, and editor-in-chief Nathan Maung were arrested. The arrest were confirmed by their families.
6 reporters were charged under Article 505(a) of the Penal Code	12 March 2021	<p>Kay Zon Nway (Myanmar Now), Aung Ye Ko (7Day), Ye Myo Khant (Myanmar Pressphoto Agency), Thein Zaw (AP), Hein Pyae Zaw (ZeeKwat Media), and freelance reporter Banyar Oo have all been charged under section 505a of the Penal Code. It is believed that it is for an article in which it is claimed that the police were demanding 13 million MMK to release 70 doctors.</p> <p>A court in Myanmar extended custody on Friday for five journalists, including one from U.S. news agency the Associated Press, who were arrested while covering anti-junta protests in the biggest city of Yangon last month, a lawyer said. The six journalists, all arrested on Feb. 27, were not brought to court but attended the hearing via teleconference from prison. They have not been allowed to see their families or lawyers in person since their arrests.</p> <p>Kay Zon Nway, Ye Myo Khant and Aung Ye Ko were released on 30 June 2021.</p>
Arrest of a Polish journalist	12 March 2021	<p>A Polish journalist, Robert Biciaga, has been detained in Myanmar, Poland's Ministry of Foreign Affairs says in a statement.</p> <p>AAPP's website states that he beaten as he tried to report on events.</p> <p>He was released on 22 March 2021, charged with article 13 (a) of the Immigration Act (visa overstay).</p>
Military sues The Irrawaddy	12 March 2021	The lawsuit has been commenced under Article 505(a) of the Penal Code. It is the first action taken against the company as opposed to individual reporters. It is believed to be for the fact that the media outlet published a video on 20 February 2021 of the police demanding 13 million MMK to release 70 doctors.
Arrest of Aung Ko Ko Latt	20 March 2021	<p>His laptop and vehicle were confiscated on Saturday by police after a crackdown on anti-coup protesters in Naypyitaw, which he was reporting on. He went to the police station the next day to retrieve his property but was arrested instead.</p> <p>On 23 March 2021, police brought charges under Section 505a of the Penal Code on Tuesday.</p>

<i>Incident</i>	<i>Date</i>	<i>Details</i>
Arrest of 4 media staff in Shan State	24 March 2021	<p>Four staff from the Shan State-based ethnic media Kanbawza Tai News have been detained by the security forces after a night raid on Wednesday, 24 March 2021. The detainees include two journalists, the publisher and a security guard.</p> <p>Security forces raided the sub-office of the media outlet in the Shan State capital Taunggyi's Hopong Township on March 24, as well as two other houses where Kanbawza Tai News staff live. They detained the female editor-in-charge Nann Nann Tai, 28, female news reporter Nann Win Yi, 21, publisher U Tin Aung Kyaw and security guard Ko Sai Sithu, who was released on Thursday evening.</p>
Arrest of Magway Post journalist	26 March 2021	In Minbu a Magway Post journalist was arrested and charged under article 505 of the Penal Code.
Disappearance of journalist for the The Voice	27 March 2021	A journalist from The Voice of Thanbyuzayat was shot in the leg while report about shooting near Kyite Hto market (Mon State). He was also beaten after wounded and forcibly taken by armed forces.
Arrest of 2 journalists in Kachin	29 March 2021	Two journalists, Ko La Raw from Kachinwaves and Ma Chan Bu from The74Media, were arrested in Myitkyina.
Arrest of 5 who spoke with CNN reporter	2 April 2021	<p>Plainclothes officers took five people into custody after they had contact with a CNN reporter at Yangon's Mingaladon Market on Friday, according to witnesses.</p> <p>Three separate incidents were reported, two of them involving people who had been interviewed by CNN correspondent Clarrisa Ward, and a third related to two women who took photographs of the reporter.</p> <p>One witness said that two young women were taken away by a plainclothes officer at around 2:40pm after they had a brief exchange with Ward.</p>
Removal of news agency license of Myitkyinar based The 74 Media News Agency/Myitkyinar News Agency	3 May 2021	Ministry of Information sent a letter to The 74 Media to stop operation and a letter states that the new agency is publishing news that are threatening national security, stability and supporting riots in country. The letter was sent on 3rd May 2021.
Arrest of freelance photographer and citizen journalist, U San Myint, Pathein	2 May 2021	<p>On May 2, military council arrested a fun photographer, U San Myint who takes protests and anti-military movement with phone camera.</p> <p>It was reported that he was beaten and caught. He was arrested No. (6) ward Aung Chan Ward.</p> <p>The family of San Myint is concerned that they haven't known where the arrest has been taken.</p>

<i>Incident</i>	<i>Date</i>	<i>Details</i>
Arrest of Voice of Myanmar Editor and his assistant were arrested in Mandalay	27 April 2021	Ko Nay Myo Lin, editor in chief of VOM based in Mandalay was taken into interrogation centre by military force. His assistant Ko Shine Aung was also arrested.
Arrest of ex-journalist, Ko Thura Soe and his two friends in Yangon, Pazundaung	25 April 2021	Ward administrator, informer and military forces came to arrest Ko Thura Soe, Ex-journalist of DVB News Agency, at night on 25th April without any reason. His two friends (one male and one female) at home were also taken to Shwe Pyi Tar's interrogation centre.
Arrest of journalist and writer Ma Tu Tu Tha and other three in Yangon, Thanlyin	25 April 2021	Military polices and ward administrator came to arrest Tu Tu Tha, her 18-year-old son, her younger brother Ye Naung and her son's friend Thiha Tun without any reason around 10:30 pm. No further information has been updated but some sources said that they have been detained in Shwe Pyi Tar interrogation centre.
Arrest of US journalist at the airport	24 May 2021	Daniel Fenster was arrested at the Yangon Airport on 24 May 2021.
Sentenced 2 journalists		Aung Kyaw, a reported from Democratic Voice of Burma, and Ko Zaw Zaw, a freelance journalist with Mizzima News were sentenced to two years of jail under section 505(a) of the Penal Code.
Sentencing of Ko Thet Naing Win	16 June 2021	Ko Thet Naing Win, reporter for Democratic Voice of Burma (DVB) was sentenced to 3 years in jail by the Minhla Township court in the Bago Region under 505(a) of the Penal Code.
Arrest of De Myat Nyein	26 June 2021	De Myat Nyein, reporter at Zeyar Times News Agency, was arrested at his home.
Sithu Aung Myint	15 August 2021	Sithu Aung Myint, a columnist for news site Frontier Myanmar and commentator with Voice of America Radio was arrested. He was charged with sedition and spreading false information.
Htet Htet Khine	15 August 2021	Htet Htet Khine, a freelance producer for BBC Media Action was arrested. She was accused of harbouring Sithu Aung Myint.
Arrest of Ko Zaw Moe Oo	1 September 2021	Security abducted Zaw Moe Oo, a journalist from Myeik based Eleven Media and detained at police station.
Arrest of Htet Htet and Wai Lin	11 September 2021	Ma Htet Htet, editor, and Ko Wai Lin, reporter, from Thingyankyun Post were arrested. As at 8 October 2021 their location was still unknown.
Arrest of Myo Thant	15 September 2021	<i>Mizzima News</i> former editor-in-chief Myo Thant was arrested yesterday in Kangye Htaung, a township in southwestern Myanmar's Irrawaddy River delta region. RSF has learned that the security forces went to the township after being told he was there, and threatened to take his aunt if he did not surrender. He was finally arrested at round 8 pm.
Arrest of journalist from Shwe Phee Myay News	26 September 2021	Arrest of journalist from Shwe Phee Myay News.

## Appendix 2

### **The Policy Position of the NUG regarding the Rohingyas in Rakhine State**

1. In honour of human rights and human dignity and also to eradicate the conflicts and root causes in the Union, the National Unity Government aims to build a prosperous and democratic federal union where all ethnic groups belonging to the Union and all citizens can live together peacefully. This objective is clearly stated in the Democratic Federal Charter.<sup>1</sup>
2. Sovereignty belongs to the member states and the people of the member states as proclaimed in the guiding principles for the establishment of a federal democratic union.<sup>2</sup>
3. Everyone in the Union has full enjoyment of fundamental human rights. All ethnic groups who are native to the Union have full enjoyment of individual rights held by individual people and collective rights held by ethnic groups. All citizens who swear allegiance to the Union regardless of their ethnic origins are considered to have full enjoyment of citizens' rights.<sup>3</sup> The National Unity Government will not tolerate any form of discrimination.
4. The National Unity Government regards the above-mentioned policies as a basis in addressing the matters related to the Rohingya in Rakhine State. We are confident that extensive deliberations, which consider the positions of all stakeholders in Rakhine State, their historical backgrounds, and national and international laws, will enable all to find shared solutions in a way that respects the human rights of all persons.
5. At present, the elimination of the military dictatorship has become the common goal of the entire people because of the violence committed by the illegitimate military council. It is also the period of national resistance against the military dictatorship. The solidarity of the entire people is now at its best. We are confident that we can rebuild a Union that meets the needs of all those in the country who have a stake in its future.
6. After consultations with the many different stakeholders in Rakhine State, including Rohingya groups and refugee representatives from the IDP camps, the NUG here makes clear how it will seek to apply these principles for the good of all in the Rakhine State.
7. The National Unity Government well understands the violence and gross human rights violations inflicted upon Rohingyas by the thuggish military and massive displacement, with hundreds of thousands fleeing their homes during the conflicts in Rakhine State in the last decade. We are deeply saddened by this. The entire people in Burma is sympathetic to the plight of the Rohingya as all now experience atrocities and violence perpetrated by the military.
8. Endeavouring to bring the perpetrators to account is not only for the realization of justice but also acts as a deterrence against future atrocities. Therefore, we regard this as a priority task. Reparation and Justice will be ensured in the future Federal Democratic Union Constitution.

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<sup>1</sup> Chapter I, Goal and Objective, Federal Democracy Charter [original English translation]

<sup>2</sup> Chapter II, Article 1

<sup>3</sup> Chapter III, Fundamental Rights and Rights of Ethnic Minorities



9. We will actively seek justice and accountability for all crimes committed by the military against the Rohingyas and all other people of Myanmar throughout our history. We intend if necessary to initiate processes to grant International Criminal Court jurisdiction over crimes committed within Myanmar against the Rohingyas and other communities.

10. We consider 88 recommendations set out in the final report of the Advisory Commission on Rakhine State chaired by Dr Kofi Annan play a crucial role in addressing the affairs in Rakhine State.<sup>4</sup> These recommendations are based on solutions for the root causes of violence. However, over the past four years, much has changed to make the situation worse in Rakhine State for all ethnic groups there. Using these recommendation as well as other relevant recommendations as inputs, we earnestly believe that we can work together with all the people in Rakhine State to chart a new course towards a democratic inclusive and prosperous future.

11. We would also like to highlight the importance of legal matters in seeing to the Rakhine question. We will consider the opinions and views of the entire people in the country, including those in Rakhine State, in drafting a new constitution that can resolve the many problems caused by the 2008 constitution. The views and insights of all people will contribute to this process. All the people in the country, including all stakeholders in Rakhine State, are invited to participate in the process of drafting the new constitution. Such dialogue is essential to creating a shared future for the country.

12. The process of repealing, amending, and promulgating laws, including the 1982 Citizenship Law, by the new constitution when the drafting is completed will be beneficial in resolving the conflict in Rakhine State. This new Citizenship Act must base citizenship on birth in Myanmar or birth anywhere as a child of Myanmar Citizens.

13. We further commit to abolishing the process of issuing National Verifications Cards, a process that the military has used against Rohingyas and other ethnic groups coercively and with human rights violations. The Rohingyas are entitled to citizenship by laws that will accord with fundamental human rights norms and democratic federal principles.

14. The voluntary, safe, and dignified repatriation of Rohingya people who fled to neighbouring countries from Rakhine State due to Tatmadaw violence is a crucial matter. We reaffirm the agreements signed with neighbouring countries for the repatriation process. We are ready to cooperate with all stakeholders of good will in a special programme to implement the process. We are committed to the repatriation of Rohingyas as soon as repatriation can be accomplished voluntarily, safely, and with dignity.

15. The National Unity Government is a government whose primary duty is to fight the illegal military dictatorship. Whilst we focus on this task, we are also planning for the future. We believe it will be beneficial in building the future democratic federal union to listen to all stakeholders in a spirit of collaboration.

16. Therefore, we invite Rohingyas to join hands with us and with others to participate in this Spring Revolution against the military dictatorship in all possible ways.

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<sup>4</sup> Final Report – the Advisory Commission on Rakhine State, August 2017