



Inter-Parliamentary Union

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Myanmar

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 164th session (virtual session, 8 to 20 March 2021)



Soldiers in front of a guesthouse where Myanmar members of parliament have been residing in Naypyidaw. STR / AFP

MMR-267 - Win Myint	MMR-287 - Kyaw Thaug
MMR-268 - Aung San Suu Kyi (Ms.)	MMR-288 - Zo Bwe
MMR-269 - Henry Van Thio	MMR-289 - Phyu Phyu Thin (Ms.)
MMR-270 - Mann Win Khaing Than	MMR-290 - Ye Mon (aka Tin Thit)
MMR-271 - T Khun Myat	MMR-291 - Htun Myint
MMR-272 - Tun Tun Hein	MMR-292 - Naing Htoo Aung
MMR-273 - Aye Thar Aung	MMR-293 - Dr. Wai Phyo Aung
MMR-274 - Than Zin Maung	MMR-294 - Zin Mar Aung (Ms.)
MMR-275 - Dr. Win Myat Aye	MMR-295 - Lwin Ko Latt
MMR-276 - Aung Myint	MMR-296 - Okkar Min
MMR-277 - Ye Khaung Nyunt	MMR-297 - Win Naing
MMR-278 - Dr. Myo Aung	MMR-298 - Nay Myo
MMR-279 - Kyaw Myint	MMR-299 - Zaw Min Thein
MMR-280 - Win Mya Mya (Ms.)	MMR-300 - Myo Naing
MMR-281 -Kyaw Min Hlaing	MMR-301 - Zay Latt
MMR-282 - Min Thu	MMR-302 - Myat Thida Htun (Ms.)
MMR-283 - Okka Min	MMR-303 - Shar Phaung Awar
MMR-284 - Zarni Min	MMR-304 - Robert Nyal Yal
MMR-285 - Mya Thein	MMR-305 - Lamin Tun (aka Aphyo)
MMR-286 - Tint Soe	

Alleged human rights violations

- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Failure to respect parliamentary immunity

A. Summary of the case

Following the military takeover on 1 February 2021, a complaint was submitted to the IPU Committee on the Human Rights of Parliamentarians regarding the situation of 22 members of the Parliament of Myanmar (“*Pyidaungsu Hluttaw*”), elected in general elections held on 8 November 2020, who have reportedly been placed in incommunicado detention or under house arrest. One of them has since reportedly been released. Seventeen others, who make up the Committee Representing the Pyidaungsu Hluttaw (CRPH), are said to be in hiding, fearing reprisals due to their political activities.

The situation of these individual parliamentarians has to be seen against the following backdrop:

In the general elections held on 8 November 2020, the National League for Democracy (NLD), as in 2015, won a majority, this time obtaining at least 397 parliamentary seats out of 476, according to official results. The main national opposition party, the military-established Union Solidarity and Development Party (USDP), suffered a significant defeat.

On 1 February 2021, the day on which the newly elected parliament was due to be sworn in, the military forcefully took power, declaring itself the “State Administrative Council”. It arrested senior political figures of the ruling NLD – including the country’s *de facto* civilian leader, Aung San Suu Kyi – and seized executive, legislative and judicial power for at least a year under a state of emergency.

The Myanmar military justified overthrowing the elected government by citing alleged fraud in the 2020 elections. Myanmar’s election commission firmly rejected those allegations. In late January 2021, the USDP filed over 170 cases of alleged election irregularities with the Supreme Court. The Court took arguments on 29 January 2021 but has yet to decide whether to hear the cases. On 5 February 2021, the military regime removed Supreme Court judges, who have since been replaced by military appointees. According to international observers, important aspects of the electoral process were impacted by restrictions imposed to combat the pandemic, but generally it was found that voters were able to freely express their will at the polls.

After the military takeover on 1 February 2021, newly elected members of parliament were forced to leave their parliament residences in the capital, Nay Pyi Taw, and return to their homes. According to the complainant, on 4 February 2021, some 70 elected members of parliament from the NLD met in Nay Pyi Taw and took an oath of office pledging to abide by the mandate granted to them by the people. On 5 February, 300 members of parliament met online and established the Committee Representing the *Pyidaungsu Hluttaw* (CRPH). The CRPH aims to fulfil parliament’s role, despite the coup and in circumstances where members of parliament were under close watch by the military and police. Initially formed with 15 NLD members of parliament on 5 February, its membership was extended to 17, with representatives of the Kayah State Democratic Party and Ta’ang National Party joining on 10 February 2021.

The CRPH has since formed an interim government and appointed some ministers, as well as issuing a statement of its political objectives on 5 March 2021, the aims of which include to end “the military dictatorship” and to build a federal democratic system. The CRPH has also appointed Mahn Win Khaing Than, an ethnic Kayin NLD member of parliament and Speaker of the House of Nationalities 2016–2021, as acting Vice President of Myanmar. The military have declared the CRPH to be illegal and that its members and those working with them are liable under Criminal Code section 122 for high treason, punishable by death or up to 22 years of imprisonment. Moreover, even those who do not directly communicate with the CRPH can face seven years’ imprisonment under Criminal Code section 124(d) for backing the CRPH through expressions of support. All 17 CRPH members have gone into hiding, fearing reprisals by the military.

Case MMR-COLL-03

Victims: 39 parliamentarians (35 male and four female)

Qualified complainant(s): Section I.1(a) of the [Committee Procedure](#) (Annex I)

Submission of complaint: March 2021

Recent IPU decision(s): - - -

Recent IPU Mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication from the authorities: Letter from the Permanent Mission of Myanmar to the United Nations at Geneva: February 2021
- Communication from the complainant: March 2021
- Communication(s) addressed to the authorities: - - -
- Communication addressed to the complainant: March 2021

Immediately following the military takeover, large-scale peaceful protests started in Myanmar and have continued to this day. In response, the military has increasingly resorted to violent means and repression to quell the protests. The United Nations Special Rapporteur on the human rights situation in Myanmar has stated that, “there is growing evidence that the Myanmar military is likely engaging in crimes against humanity, including the acts of murder, enforced disappearance, persecution, torture, and imprisonment in violation of fundamental rules of international law”, but that, “a full investigation and a trial before a court of law are required to formally find crimes against humanity”. More than 2,000 people have been arrested and 120 killed since 1 February 2021 (as of 10 March 2021). Moreover, since 1 February 2021, the military has issued draconian decrees amending existing laws, establishing new regulations and imposing its will on telecommunications companies, all illegitimately and in violation of the people of Myanmar’s right to freedom of expression, freedom of peaceful assembly and association, and access to information.

On 1 February 2021, the IPU issued a statement condemning the coup d’état, which was followed by another statement on 5 February in which the IPU Committee on the Human Rights of Parliamentarians expressed its concern about the allegations of arbitrary arrests of elected members of parliament, the Speaker and other members of parliament.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Notes* that: (i) the complaint was submitted in due form by a qualified complainant under section I.1(a) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians); (ii) the complaint concerns 39 members of parliament, who had been elected before the alleged violations took place; and (iii) the complaint concerns allegations of threats, acts of intimidation, arbitrary arrest and detention, violations of freedom of opinion and expression, and freedom of assembly and association, and failure to respect parliamentary immunity, allegations that fall within the Committee’s mandate; *considers* that the complaint is therefore admissible under the provisions of section IV of the Procedure; and *declares itself* competent to examine the case;
2. *Is alarmed* that the military chose to forcefully prevent the Myanmar Parliament from convening on and after 1 February 2021, to outlaw those intent on exercising their parliamentary mandate, as entrusted to them by the people of Myanmar, to put in place exorbitant legal restrictions to people’s human rights and to violently repress public dissent; *stresses* that electoral disputes should be settled through existing legal channels, never by force, and that available reports on the elections held in November 2020 underscore that they were free and fair and raised reservations only in relation to the restrictions imposed by COVID-19; *considers* in this regard that the mass and peaceful protests that have taken place since 1 February 2021 are further signs of the public’s faith in the outcome of the electoral process and its wish to protect the democratic gains made in recent years;
3. *Urges* the military authorities to respect the basic human rights of all parliamentarians elected in November 2020 and hence to allow them to associate, assemble, express their views and move about without fear of reprisals; *is deeply concerned*, therefore, that at least 39 members of the Myanmar Parliament, including its presiding officers, have reportedly been subject to direct reprisals for carrying out their political work; *urges* the military authorities to release those in detention and under house arrest immediately, and to refrain from taking physical or legal action against the 17 members of the CRPH, and any other person elected in November 2020, in connection with their parliamentary activities; *wishes* to receive as a matter of urgency specific information on these points from the military authorities and, for as long as parliamentarians are held against their will, detailed information on the factual and legal situation in which they find themselves;
4. *Requests* the Secretary General to convey this decision to the military authorities, the complainant and any third party likely to be in a position to supply relevant information; also *requests* the Secretary General to explore all other possibilities for the concerns and requests for information raised in this decision to be effectively addressed, including the usefulness of a visit by a Committee delegation to Myanmar;
5. *Decides* to continue examining this case at its next session.