



Inter-Parliamentary Union

For democracy. For everyone.

# Myanmar

*Decision adopted unanimously by the IPU Governing Council at its 207<sup>th</sup> session  
(Virtual session, 25 May 2021)*



Soldiers in front of a guest house where Myanmar members of parliament were residing in Naypyidaw shortly after the military takeover. STR / AFP

- |                                  |                                  |
|----------------------------------|----------------------------------|
| MMR-267 - Win Myint              | MMR-295 - Lwin Ko Latt*          |
| MMR-268 - Aung San Suu Kyi (Ms.) | MMR-296 - Okkar Min*             |
| MMR-269 - Henry Van Thio         | MMR-297 - Win Naing*             |
| MMR-270 - Mann Win Khaing Than   | MMR-298 - Nay Myo*               |
| MMR-271 - T Khun Myat            | MMR-299 - Zaw Min Thein*         |
| MMR-272 - Tun Tun Hein           | MMR-300 - Myo Naing*             |
| MMR-274 - Than Zin Maung         | MMR-301 - Zay Latt*              |
| MMR-275 - Dr. Win Myat Aye       | MMR-302 - Myat Thida Htun (Ms.)* |
| MMR-276 - Aung Myint             | MMR-303 - Shar Phaung Awar*      |
| MMR-277 - Ye Khaung Nyunt        | MMR-304 - Robert Nyal Yal*       |
| MMR-278 - Dr. Myo Aung           | MMR-305 - Lamin Tun (aka Aphyo)* |
| MMR-279 - Kyaw Myint             | MMR-306 - Aung Kyi Nyunt*        |
| MMR-280 - Win Mya Mya (Ms.)      | MMR-307 - Lama Naw Aung*         |
| MMR-281 - Kyaw Min Hlaing        | MMR-308 - Sithu Maung*           |
| MMR-283 - Okka Min               | MMR-309 - Aung Kyaw Oo           |
| MMR-284 - Zarni Min              | MMR-310 - Naung Na Jatan         |
| MMR-285 - Mya Thein              | MMR-311 - Myint Oo               |
| MMR-286 - Tint Soe               | MMR-312 - Nan Mol Kham (Ms.)     |
| MMR-287 - Kyaw Thaung            | MMR-313 - Thant Zin Tun          |
| MMR-289 - Phyu Phyu Thin (Ms.)*  | MMR-314 - Maung Maung Swe        |
| MMR-290 - Ye Mon (aka Tin Thit)* | MMR-315 - Thein Tun              |
| MMR-291 - Htun Myint*            | MMR-316 - Than Htut              |
| MMR-292 - Naing Htoo Aung*       | MMR-317 - Aung Aung Oo           |
| MMR-293 - Dr. Wai Phyo Aung*     | MMR-318 - Ba Myo Thein           |
| MMR-294 - Zin Mar Aung (Ms.)*    | MMR-319 - Soe Win (a) Soe Lay    |

\* These parliamentarians are also members of the Committee Representing Pyidaungsu Hluttaw (CRPH), a body that was set up by members of parliament-elect on 5 February 2021. As such, only the allegations marked with an \* in the list of allegations concern them.

## Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation\*
- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention
- ✓ Violation of freedom of opinion and expression\*
- ✓ Violation of freedom of assembly and association\*
- ✓ Failure to respect parliamentary immunity\*
- ✓ Lack of fair trial proceedings\*

### A. Summary of the case

After refusing to recognize the results of the November 2020 parliamentary elections, the military declared a state of emergency that would last for at least a year and proceeded to seize power by force on 1 February 2021, the day that the new parliament was due to take office.

The complainant reports that the Speaker of the Parliament of Myanmar (“*Pyidaungsu Hluttaw*”), Mr. T. Khun Myat, the State Counsellor, Ms. Aung San Suu Kyi, and five other members of parliament of the majority National League for Democracy party were placed under house arrest by the military. According to the complainant, 20 elected members of parliament were arbitrarily arrested shortly after the coup, including the seven aforementioned senior members of parliament who were placed under house arrest. In the weeks thereafter, 10 additional members of parliament were arrested. To this day, these 30 members of parliament remain in detention or under house arrest. Of those detained, many are reportedly being held incommunicado in overcrowded prisons, where they are facing mistreatment and possibly torture, with limited or no access to medical care or legal counsel, while some are reportedly being tried in secret.

According to the complainant, on 4 February 2021, some 70 elected members of parliament from the National League for Democracy met in the capital Naypyidaw 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 Pyidaungsu Hluttaw (CRPH), led by 20 members of parliament. The CRPH is considered illegal by the military regime, while the CRPH have labelled the military-appointed State Administration Council a terrorist organization and have since appointed a National Unity Government, which they see as the legitimate interim government. According to the complainant, the 20 members of the CRPH have been forced into hiding, fearing reprisals because of their political activities. The former Speaker of the upper house of parliament and Prime Minister of the National Unity Government, Mr. Mann Win Khaing Than, has reportedly been charged with high treason, while several other members of parliament face criminal charges for inciting civil disobedience and other charges carrying heavy penalties.

On 1 February 2021, the IPU issued a statement condemning the coup d'état, which was followed by another statement on 5 February 2021 in which the IPU Committee expressed its concern about the allegations of arbitrary arrests of the Speaker and other members of parliament. On 23 March 2021, the IPU President and the IPU Secretary General met several CRPH members and expressed their solidarity with the elected members of parliament in Myanmar, adding that the IPU stands ready to defend the integrity of the Parliament of Myanmar and the human rights of its duly elected parliamentarians.

Although the military authorities allowed overwhelmingly peaceful protests to take place in the first few weeks, the human rights situation in Myanmar took a devastating turn for the worse in late March, with reports of live automatic ammunition and explosive weapons used against civilians. According to reports by the United Nations Special Rapporteur on the human rights situation in Myanmar and human rights organizations, more than 700 people have been killed since the beginning of the coup (as of mid-April 2021). According to credible reports provided by the Assistance Association for Political Prisoners in Myanmar, there have been over 4,890 arbitrary arrests and 780 extrajudicial killings since the coup began, while 3,826 people remain in detention as of 9 May 2021. In addition,

### Case MMR-COLL-03

**Myanmar:** Parliament affiliated to the IPU

**Victims:** 50 parliamentarians (44 male and 6 female)

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

**Submission of complaint:** March 2021

**Recent IPU decision:** March 2021

**Recent IPU Mission(s):** - - -

**Recent Committee hearing:** Hearing with a member of the Committee Representing Pyidaungsu Hluttaw (CRPH) (March 2021)

#### Recent follow-up:

- Letter from the Permanent Mission of Myanmar to the United Nations Office at Geneva: April 2021
- Communication from the complainant: May 2021
- *Note verbale* to the Permanent Mission of Myanmar: March 2021
- Communication addressed to the complainant: April 2021

some experts have voiced their concern in the United Nations Security Council and other international fora, declaring that Myanmar was on the brink of state failure and pointing out that the actions of the military were making the country ungovernable.

## **B. Decision**

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the complaint was declared admissible by the Committee on the Human Rights of Parliamentarians under its procedure during its 164<sup>th</sup> session (March 2020); *also notes* that the new complaint concerning 14 additional members of parliament is admissible, considering that the complaint: (i) was submitted in due form by a qualified complainant under section I.1.(b) 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) concerns incumbent members of parliament at the time of the initial allegations; and (iii) concerns allegations of torture, ill-treatment and other acts of violence, threats and acts of intimidation, arbitrary arrest and detention, inhumane conditions of detention, violation of freedom of opinion and expression, violation of freedom of assembly and association, failure to respect parliamentary immunity and lack of fair trial proceedings, allegations that fall under the Committee's mandate;
2. *Regrets* that the military authorities in Myanmar have not replied to the requests for information addressed to them; *calls on* the military authorities to provide detailed information on the situation in which the elected parliamentarians find themselves;
3. *Denounces* the use of force to prevent the Parliament of Myanmar from convening on and after 1 February 2021 and the persecution of those wishing to exercise their parliamentary mandate as entrusted to them by the people of Myanmar; *strongly condemns* the continuing deliberate policy of the military authorities to disregard the outcome of the 2020 elections and their unwillingness to hand over power to those democratically elected; *reaffirms* 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; *considers* in this regard that the mass 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 unwavering resolve to protect the democratic gains made in recent years;
4. *Declares* that by using force to prevent the parliament elected in 2020 from convening, the military authorities have violated the principle established in article 21 of the Universal Declaration of Human Rights that "*the will of the people shall be the basis of the authority of government*"; *reaffirms* that, in demanding that parliament be convened and in setting up the "Committee Representing the Pyidaungsu Hluttaw" (CRPH), the members of parliament-elect are merely defending the right of their constituents to take part in the conduct of public affairs through representatives of their choice, as guaranteed by article 21 of the Universal Declaration of Human Rights, and exercising their right to discharge the mandate entrusted to them in 2020;
5. *Is deeply concerned* that at least 50 members of the Parliament of Myanmar, including its presiding officers, have reportedly been subject to direct reprisals for carrying out their political work; *is appalled* by allegations that numerous elected members of parliament are being detained incommunicado, that many of them are detained in prisons where they face mistreatment and possibly torture, as well as inhumane detention conditions with limited or no access to medical care or legal counsel, and that some have reportedly been tried in secret; *is deeply concerned* by allegations that some members of parliament have been charged with high treason and various other charges carrying heavy penalties for exercising their rights; *is dismayed* by credible reports that over 780 people have lost their lives in extrajudicial killings and 4,890 people have been arbitrarily arrested or detained since February 2021;
6. *Strongly urges* the military authorities to release immediately and unconditionally all members of parliament-elect held in detention or under house arrest and to put an immediate end to all practices aimed at preventing the members of parliament-elect from exercising their political activity, including by putting an end to the use of secret trials in prison; *calls on* the military authorities to respect the human rights of all members of parliament elected in November 2020

and hence to allow them to associate, assemble, express their views, receive and impart information and move about without fear of reprisals; *urges* the military authorities to refrain from taking physical or legal action against the 20 members of the CRPH, and any other person elected in November 2020, in connection with their parliamentary activities; *calls on* the military authorities to immediately cease using lethal force against those exercising their human rights and to abide by international principles of human rights and the rule of law; *wishes* to receive as a matter of urgency specific information on these points from the military authorities;

7. *Calls on* its member parliaments, IPU permanent observers and parliamentary assemblies to press for respect for human rights and democratic principles in Myanmar to show solidarity with the members of parliament who were elected in 2020, including by supporting the “Committee Representing the Pyidaungsu Hluttaw”; *urges* its member parliaments and the IPU Secretariat to seek to build a network of members of parliament to take concrete actions in support of this endeavour in partnership with human rights organizations active in the region; *invites* member parliaments to inform it of any steps they may take to that end;
8. *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;
9. *Requests* the Committee to continue examining this case and to report back to it in due course.