

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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MYANMAR: END INTERNET SHUTDOWN IN RAKHINE, CHIN STATES

Myanmar authorities should immediately end an internet shutdown imposed in conflict-affected areas of Rakhine and Chin States since 21 June 2019, said Amnesty International today. The shutdown has created an information black hole in an area where the Myanmar military has committed serious violations – including war crimes – raising serious concerns about the safety of civilians. It is essential that the Myanmar authorities ensure the right to information in times of crisis.

On 20 June 2019, Myanmar’s Ministry of Transport and Communications instructed mobile operators in Myanmar to “temporarily” suspend internet access in nine townships – Buthidaung, Kyauktaw, Maungdaw, Minbya, Mrauk-U, Myebon, Ponnagyun, and Rathedaung in Rakhine State and Paletwa in Chin State. The shutdown went into effect at 10 p.m. on 21 June. Since then, people living in the affected areas have been unable to access the internet, although mobile telephone calls and text messaging services are still available. A government official quoted in local media said the shutdown, believed to have been invoked under Section 77 of the 2013 Telecommunications Law,¹ is in place as a result of “weak rule of law” and “instability” in the area.² According to one mobile operator, the government directive referenced “disturbances of the peace and use of internet services to coordinate illegal activities” as a justification for the shutdown.³ The government has yet to make an official statement, and it remains unclear how long the shutdown will continue.

The shutdown applies to an area where Amnesty International has recently documented serious violations, including war crimes, by the Myanmar military, as well as abuses by the Arakan Army (AA), an ethnic Rakhine armed group operating in western and northern Myanmar. Fighting between the two forces has escalated since the start of 2019 and is ongoing, raising the prospect of additional crimes being committed.

Activists, journalists, and others in the affected areas rely on the internet – in particular encrypted messaging services – to document and share information about the situation there, including allegations of human rights abuses. Without secure methods of communication, they are forced to rely on less secure means of communication, such as telephone calls and text messages, meaning they risk being surveilled, harassed, or arrested and prosecuted in connection with their work. At least three news editors are currently facing politically-motivated charges in connection with their reporting on Rakhine State, while other journalists face threats, harassment, and intimidation.

The shutdown will also make it more difficult for humanitarian workers to monitor the situation and respond to new displacement, and could hamper the supply of life-saving medical treatment and assistance to displaced populations. According to the Office for the Coordination of Humanitarian Affairs (OCHA), some 23,000 people are currently displaced as a result of the fighting between the Myanmar military and the AA. However, the authorities – both civilian and military – have imposed severe restrictions on humanitarian access.

Amnesty International is also concerned about the wider human rights impacts of the shutdown. Affected users are restricted in their access to emergency services, and other information and services, including healthcare. The shutdown will also make it difficult for the government to disseminate information to communities in the affected areas – including information about the ongoing fighting which could be vital for the safety and protection of the civilian population.

The right to freedom of expression includes the right to seek, receive, and impart information and ideas of all kinds, regardless of frontiers. Restrictions on the right to freedom of expression must be the exception rather than the rule, and must be provided in law; applied only in specific circumstances, namely to protect the rights and reputation of others, to ensure national security, public order, public health, or public morals; and be necessary and proportionate, that is, the

¹ According to Section 77 of the Telecommunications Law, the Ministry [of Transport and Telecommunications] “may, when an emergency situation arises to operate for public interest, direct the licensee to suspend a Telecommunications Service, to intercept, not to operate any specific form of communication, to obtain necessary information and communications, and to temporarily control the Telecommunications Service and Telecommunications Equipments.”

² *7 Day Daily*, “Internet services temporarily suspended in some townships in Rakhine and Chin States”, 22 June 2019, <http://7daydaily.com/story/159228>

³ Telenor, Network shutdown in Myanmar, 21 June 2019, <https://www.telenor.com/network-shutdown-in-myanmar-21-june-2019/>

least restrictive means required to achieve any of the above aims. All three requirements need to be met for a restriction to accord with international human rights law and standards.⁴

While Amnesty International acknowledges that the government is permitted to restrict the right to freedom of expression in certain circumstances, the organization does not believe the current shutdown complies with requirements for restrictions on freedom of expression set out under international human rights law. It is unclear what criteria were used to decide to cut off internet access or what mechanisms are available to challenge the decision, in violation of the requirement of legality. The decision to deprive a large part of the population in Rakhine and Chin States their right to access all online information and secure messaging is a particularly broad and sweeping restriction, which clearly fails the requirements of proportionality and necessity.

The UN Human Rights Council has unequivocally condemned “measures to intentionally prevent or disrupt access to or dissemination of information online in violation of international human rights law”, and has called on all States to “refrain from and cease such measures”.⁵ Similarly, the UN Special Rapporteur on the right to freedom of expression has stated that “[a] general network shutdown is in clear violation of international law and cannot be justified by any means... Shutdowns are damaging not only for people’s access to information, but also for their access to basic services.”⁶

Private companies have a responsibility to respect human rights independent of state actions or obligations, and over and above compliance with national laws. As such, Amnesty International also calls on all mobile operators and telecommunications providers in Myanmar to urgently seek clarification from the Myanmar authorities regarding the shutdown, publicly and privately call for the immediate resumption of internet access in Rakhine and Chin States, and pursue all legal options to challenge the decision to cut internet access.

BACKGROUND

There has been a significant escalation in fighting between the Myanmar military and the Arakan Army (AA) since January 2019. Amnesty International has documented serious violations of international humanitarian and human rights law by the Myanmar military, including unlawful attacks which have killed and injured civilians, arbitrary arrests, torture and other ill-treatment, extrajudicial executions, enforced disappearances, and forced labour. Some of these violations amount to war crimes. Amnesty International has also documented abuses by the AA, including abductions and arbitrary deprivation of liberty.

Many of the violations documented by Amnesty International were committed by soldiers from the Myanmar Army’s 22nd and 55th Light Infantry Divisions (LIDs). Other violations were committed by soldiers from units under Western Command, the regional military command based in Rakhine State and which has been implicated in atrocities against the Rohingya population from August 2017. More than 730,000 Rohingya women, men, and children were forced to flee a devastating campaign of violence which included widespread killings, rape and sexual violence, and the burning of hundreds of Rohingya homes and villages. A UN Fact-Finding Mission has called for senior military officials to be investigated and tried for crimes against humanity, war crimes, and genocide.

Amnesty International reiterates its call to the UN Security Council to refer the situation in Myanmar to the International Criminal Court (ICC), to impose a comprehensive global arms embargo, and to impose targeted financial sanctions against senior officials responsible for serious violations and crimes.

⁴ See e.g. International Covenant on Civil and Political Rights, Article 19(3); Human Rights Committee, General comment No. 34, Article 19: Freedoms of opinion and expression, UN Doc. CCPR/C/GC/34, 12 September 2011, paras. 21-36

⁵ *The promotion, protection and enjoyment of human rights on the Internet*, UN Doc: A/HRC/32/L.20, 27 June 2016.

⁶ *UN expert urges DRC to restore internet services*, 7 January 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24057&LangID=E>