

BN 2021/2037: 24 May 2021

REPORT CARD #3: IGNORING ICJ PROVISIONAL MEASURES, BURMA/MYANMAR'S MILITARY TURNS VIOLENCE AGAINST ENTIRE NATION

- Burma has failed to effectively comply with the Provisional Measures Order issued by the International Court of Justice (ICJ) in relation to its alleged genocidal acts against the Rohingya. The Provisional Measures were ordered on 23 January 2020, with Burma due to report progress on 23 May 2020, 23 Nov 2020, and 23 May 2021.
- On 1 February 2021, the Burma military (Tatmadaw) violated Burma's 2008 Constitution when it detained the elected parliament, usurped the Presidency, and seized power. Despite having no legitimacy, it has replaced judiciary, legal, security sector, and other key leadership posts with its own appointees.
- In the face of massive popular protests, and without a civilian government constraining it, the Tatmadaw has shown its true, brutal, and repressive nature. Since 1 February, it has killed at least 818 and detained at least 5,392 politicians, civil society members, and others in its crackdowns, including 83 journalists. The junta also:
 - Implemented restrictive orders in every State/Region/Union Territory except Rakhine State (where restrictions already existed);
 - Placed six Yangon townships and one Chin State township under martial law, and sentenced 26 people to death in non-appealable military tribunals;
 - Charged elected politicians including the President and State Counselor with treason, a capital offense;
 - Targeted hospitals and medical workers providing aid, in violation of international humanitarian law;
 - Cut off wireless network data and public WiFi, and shut off landline internet nightly (1–9am); and
 - Outlawed trade unions and independent media.
- Between 23 January 2020 and 23 May 2021, there were at least 2,776 attacks by armed actors in Burma, either directly against or failing to protect civilians. These took place across all States and Regions, as well as the capital territory, injured at least 2,652 civilians and displaced over 127,000.
- Just during February–April 2021, there were 1,594 such attacks. The Tatmadaw escalated conflict nationwide, using battlefield tactics in cities, multiple air strikes in Chin, Kachin, Karen, and Kayah States, and shelling in Shan State, Sagaing Region, and Bago Region.
- Burma's failure to address the provisional measures now threatens everybody. Violence against ethnic communities including the Rohingya (the impetus for this case) is now being perpetrated against the entire country. The main perpetrator, and instigator through hate speech, is now at the helm of the country.

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On 23 January 2020, the International Court of Justice (ICJ) issued a Provisional Measures Order to Burma. In short, the Court ordered Burma to prevent any (further) acts of genocide against the Rohingya, to preserve all evidence relevant to the case, and to report periodically on what the country has done to address the Order. Burma was due to report to the Court on 23 May 2021.

In total, between the ICJ's Provisional Measures Order on 23 January 2020 and early May 2021, there were at least 2,776 armed clashes in civilian areas or direct attacks on civilians in Burma, injuring at least 2,652 and displacing over 127,000 people.¹

Military violence now engulfs the entire country

Following its 1 February 2021 power grab, the Tatmadaw extended to cities the same brutal violence that it has long perpetrated in ethnic minority areas and communities. Rather than instilling order in its ranks, the junta unleashed its soldiers and arsenal, creating a nationwide civil war. On 24 April, the Irrawaddy reported on a series of internal Tatmadaw memos demanding that security forces on the ground “annihilate” anti-regime protesters wherever they encounter them.²

According to the Armed Conflict Location Event Database, between February and April 2021, there were at least 1,594 direct attacks on civilians or armed clashes in civilian areas. These took place across all 14 States and Regions of Burma, as well as the capital territory, injuring at least 1,957 civilians and displacing over 107,000.³

SUMMARY OF ICJ PROVISIONAL MEASURES ORDERED ON 23 JAN 2020

1: Prevent acts constituting genocide

The government must take all measures within its power to prevent the killing of Rohingya people; causing serious bodily or mental harm to them; deliberately inflicting conditions of life that would destroy at least part of the group; and imposing measures intended to prevent births.

2: Prevent other groups from committing or planning to commit acts of genocide

Burma must ensure that its military, as well as any other armed units, organizations and individuals under its control, direction or influence, do not commit, conspire to commit, incite, attempt, or be complicit with any acts described above.

3: Preserve evidence

Burma must take effective measures to preserve evidence related to the crimes alleged in this case.

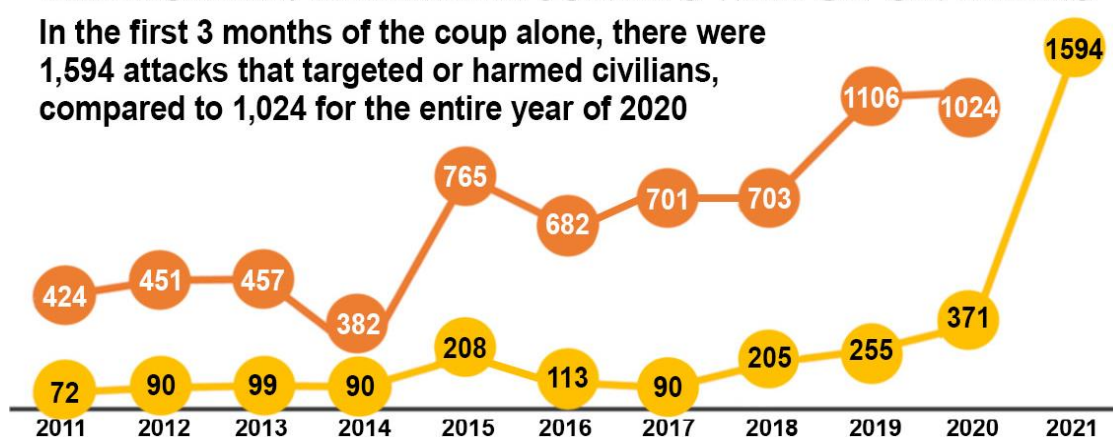
4: Document and report

Burma must submit regular reports to the Court on efforts to comply with the Order.

Full text of the provisional measures appears on pages 23-24 at <https://www.icj-cij.org/files/case-related/178/178-20200123-ORD-01-00-EN.pdf>

THE BURMA / MYANMAR JUNTA'S WAR ON CIVILIANS

In the first 3 months of the coup alone, there were 1,594 attacks that targeted or harmed civilians, compared to 1,024 for the entire year of 2020



Source: Armed Conflict Location & Event Data Project (ACLED) (updated 7 May 2021) Data Export Tool, available at <https://acleddata.com/data-export-tool/>

¹ ACLED (updated 7 May 2021) Data Export Tool, available at <https://acleddata.com/data-export-tool/>

² Irrawaddy (24 Apr 2021) Myanmar Regime Troops Ordered to 'Annihilate' Protesters, Internal Memos Show

³ Armed Conflict Location & Event Data Project (ACLED) (updated 7 May 2021) Data Export Tool, available at <https://acleddata.com/data-export-tool/>

The Assistance Association for Political Prisoners documented 818 deaths and 5,392 detentions, from 1 February to 23 May 2021, in the junta's crackdowns on protesters and dissent nationwide.⁴

Security forces killed the first peaceful protester on 9 February.⁵ Since this date, they have continuously escalated violence in cities and towns nationwide. They have shot and killed peaceful protesters; bystanders; and children as young as six.⁶ They have tortured detainees, and targeted family members of those they could not find. They have feigned surrender and dressed as civilians before attacking,⁷ which is a war crime (*perfidy*).

The Tatmadaw escalated fighting nationwide, using shelling and battlefield tactics in cities and towns, and air strikes in Chin, Kachin, Karen, and Kayah States. Examples of its brutality include:

- On 14 March, security forces killed at least 58 people in Hlaingthaya Township (Yangon). Hundreds of thousands of Township residents were estimated to have left by April.⁸
- On 27 March, security forces opened fire in Aungmyaythazan Township (Mandalay), and then threw an injured man onto a pile of burning tires, burning him alive. They killed at least 114 civilians that day.⁹
- On 9 April, security forces attacked Bago, destroying, robbing, and killing. They attacked four neighborhoods using grenade launchers and machine guns. They killed at least 80 people, and sent around 100,000 residents seeking safety elsewhere.¹⁰
- Starting 14 May, security forces bombarded Mindat (Chin State), following earlier fighting in the area. Security forces fired on the town from helicopters and shelled it from the ground, trapping around 20,000 people.¹¹

They have targeted and shot medical workers and ambulances, and killed medics while they were providing aid. They have attacked hospitals and set up military bases in them. All of these actions violate international humanitarian law (IHL), under the Geneva Conventions (which Burma has ratified) and customary international law.

Brutal military units deployed

The junta has deployed infamous Light Infantry Divisions (LIDs) in urban counter-insurgency efforts since 1 February, raising serious concerns about the potential for atrocity crimes. LIDs 33 and 99 were key to the Tatmadaw's "clearance operations" against the Rohingya in 2017—at issue in the case before the ICJ and an investigation at the ICC—and were involved in attacks against civilians in Kachin State before that. LIDs were also deployed to bloodily suppress pro-democracy protests in 1988 and 2007.

On 20 February, an LID 33 sniper was present at the dockyard in Mandalay where a 16-year-old volunteer medic was killed by a high powered rifle shot to the head. In Muse Township (Shan State), LID 99 clashed with the Kachin Independence Organization (KIO) for several days after the KIO condemned the coup, and LID shells killed civilians.

In February, soldiers from LID 77 were deployed to suppress protests in Yangon (as they were during the 2007 Saffron Revolution), where they opened fire on protesters and rammed them with a truck.

On 3 March, soldiers from LID 88 were photographed working with riot police to violently disperse protestors in Myingyan (Mandalay Region). Security forces killed one protestor with a rifle shot to the head. Soldiers from LID 44 were deployed in Thaton (Mon State), and soldiers from LID 55 were deployed in Taunggyi (Shan State).

In mid-March, soldiers from LID 77 took part in systematic crackdowns on anti-coup protestors in outer Yangon. Soldiers tried to destroy evidence of their abuses during the crackdown.

On 20 April, LID 77 turned a middle school in Insein Township (Yangon) into a military base. The junta's security forces have consistently militarized public spaces such as hospitals and schools.

In late March, the US sanctioned LIDs 33 and 77 and their commanders, blocking "all property and interests" held in the US.

Reuters (26 Jun 2018) Tip of the Spear; Irrawaddy (20 Feb 2021) Two Civilians Killed by Myanmar Security Forces in Mandalay; Shan News (24 Feb 2021) Burma Army Launch Offensive Against KIO/A; Poppy McPherson (via Twitter) (15 Feb 2021) twitter.com/poppymcp/status/1361201684861513728; Mratt Kyaw Thu, via Twitter (3 Mar 2021) twitter.com/mrattkthu/status/1366987731159638016; Radio Free Asia (17 Mar 2021) War Zone of Hunger and Fear in Yangon as Myanmar's Last Independent Newspaper is Shut Down; US Department of Treasury (22 Mar 2021) EO 14014; Shaifur Rahman, via Twitter (20 Apr 2021) twitter.com/shaifur/status/1384535234490814465

⁴ Assistance Association for Political Prisoners (23 May 2021) Daily Briefing in Relation to the Military Coup

⁵ Al Jazeera (19 Feb 2021) Myanmar female protester dies as military crackdown hardens

⁶ BBC (1 Apr 2021) Myanmar coup: Six-year-old shot 'as she ran into father's arms'

⁷ Myanmar Now (23 May 2021) Regime soldiers 'disguised themselves as civilians fleeing their homes' to ambush Chin resistance fighters

⁸ Frontier Myanmar (29 Apr 2021) Rural migrants return to Hlaing Tharyar – and an uncertain future

⁹ Myanmar Now (28 Mar 2021) 'Help me, Mother' – Mandalay resident shot and burnt alive by junta's troops

¹⁰ Radio Free Asia (12 Apr 2021) Tens of Thousands of Residents Flee Bago in Wake of Assault by Myanmar Security Forces

¹¹ Irrawaddy (15 May 2021) Myanmar Junta's Troops Use Civilians as Human Shields in Assault on Mindat

Covering up evidence

The Tatmadaw continues to destroy or hide evidence of its crimes, attempting to control the narrative about events in Burma. Myanmar Now co-founder Swe Win explained: “We are very concerned that Myanmar will become North Korea. They will crush any form of information gathering and sharing.”¹²

Security forces have snatched bodies from funerals, cremated the dead, and fired upon civilians who try to collect the dead bodies of protesters.¹³ On 5 March, Tatmadaw medical staff were seen digging up the body of a protester killed by security forces, in an apparent effort to remove evidence of the killing.¹⁴ On 9 April, in Bago, security forces dragged at least 40 bodies—not all dead—to a local pagoda and a school, after killing over 80 people in a single day; by the next morning, they had removed the bodies and washed the blood washed away.¹⁵ It was reported on 5 May that security forces had forcibly disappeared thousands of people, mainly boys and young men.¹⁶

On 9 May, a day after security forces detained poet Khet Thi and his wife, they returned his body without its internal organs.¹⁷

Attacks on democracy

On 1 February 2021, the Tatmadaw detained President Win Myint, State Counselor Aung San Suu Kyi, and hundreds of other politicians from their National League for Democracy (NLD) party. It forcibly confined the parliament—set to convene on the same day—to its quarters in Naypyidaw; and later put some MPs in jail and put others under house arrest.¹⁸

On 7 May, the junta’s “State Administration Council” (SAC) designated the Committee Representing Pyidaungsu Hluttaw (CRPH), National Unity Government (NUG), and NUG’s People’s Defense Force (PDF) as terrorist organizations, meaning that anybody suspected of affiliation with the groups could face life in prison.¹⁹ The CRPH is comprised of 76% of elected parliamentarians and speaks for Burma’s parliament, and the NUG is the civilian government established by the CRPH and diverse stakeholders.

It had already declared that the CRPH and its local administrative bodies face imprisonment of up to 22 years or death for high treason, and that those who communicate with these bodies could face up to seven years;²⁰ charged two CRPH representatives, including the Interim Vice President, with high treason under Penal Code Section 122;²¹ declared CRPH and NUG as unlawful associations;²² and issued arrest warrants for 26 people, mainly NUG members.²³

Undermining accountability and oversight

The Tatmadaw has perpetrated atrocity crimes against ethnic minorities in Burma, including the Rohingya, for decades. Instead of responding to the ICJ’s Order by ensuring accountability in its ranks and curtailing genocidal practices, it has taken measures to prevent itself from being held accountable.

The junta appointed a new Chief of Myanmar Police Force;²⁴ Chairman and six members of the Union Election Commission (UEC);²⁵ Chairman of the Union Civil Service Board;²⁶ Union Auditor-

¹² New York Times (1 Apr 2021) Myanmar Soldiers, Aiming to Silence Protests, Target Journalists

¹³ Irrawaddy (24 Mar 2021) Myanmar Security Forces Snatch the Bodies of Those They Have Slain; Myanmar Now (17 Apr 2021) Junta troops kill two protesters in Mogok at National Unity Government Rally

¹⁴ Bangkok Post (6 March 2021) Grave of slain protester disturbed in Myanmar

¹⁵ Myanmar Now (11 Apr 2021) Mass murders reported in Bago as troops ‘drag away’ injured and dead, destroy evidence of crimes

¹⁶ Los Angeles Times (5 May 2021) Boys and young men disappear in Myanmar military’s crackdown

¹⁷ Al Jazeera (10 May 2021) Myanmar poet’s body returned to family with organs missing

¹⁸ Al Jazeera (2 Feb 2021) Myanmar legislators remain held in ‘open-air detention centre’

¹⁹ Irrawaddy (10 May 2021) Myanmar Junta Declares National Unity Government, CRPH, Defense Forces as ‘Terrorist’ Groups

²⁰ SAC (5 Mar 2021) Announcement for CRPH that commits high treason and its organizations

²¹ SAC (17 Mar 2021) Lawsuit filed against Dr Sasa and arrest warrant issued; SAC (18 Mar 2021) Legal action charged against U Mahn Win Khine Than

²² SAC (21 Mar 2021) Order 2/2021 Declaration of Unlawful Association; SAC (21 Apr 2021) Ministry of Home Affairs Press Release

²³ Jakarta Post (23 Apr 2021) Junta issues arrest warrants for 26, mostly members of Myanmar parallel government

²⁴ State Administration Council (SAC) (2 Feb 2021) Order No 6/2021 Appointment and Duty Assignment of Deputy Minister

²⁵ SAC (2 Feb 2021) Order No 7/2021 Appointment and Assignment of Chairman of UEC and members; SAC (9 Feb 2021) Order No 43/2021 Appointment and Duty Assignment of the Union Election Commission members

²⁶ Office of Commander-in-Chief of Defense Services (1 Feb 2021) Order No 8/2021 Appointment and Duty Assignment of Union Civil Services Board

General;²⁷ Chairman of the Nay Pyi Taw Council;²⁸ Chairman of the Administration Council for each State/Region/Self-Administered Zone (except Yangon and Ayeyarwaddy Regions);²⁹ Union Attorney-General and Deputy Attorney-General;³⁰ State Attorney-General for each State, and Region Attorney-General for each Region;³¹ and Chief Justices or Judges from six State/Region High Courts.³²

It assigned the incumbent Union Chief Justice and Supreme Court Justices, the incumbent members of the Anti-Corruption Commission, and the incumbent Chairman, Vice-Chairman and members of Myanmar National Human Rights Commission to continue their duties.³³

Martial law

On 14–15 March, the SAC put six Yangon townships under martial law: North Dagon, South Dagon, Dagon Seikkan, North Okkalapa, Hlaingthaya, and Shwepyithar.³⁴ It listed 23 causes of action that could be prosecuted against civilians in these townships by military tribunal, including: treason, murder, rape, robbery, banditry, corruption; “attempt to excite disaffection towards the Government”; hindering law enforcement; causing fear by, agitating against, or otherwise disrupting a government employee; and any violation of ten other existing laws or acts.³⁵ Decisions by military court-martial are final, and punishment can include death or life in prison with labor.³⁶

On 13 May, the SAC put Mindat Township (Chin State) under martial law, thereby similarly removing the civil and political rights of people there.³⁷

On 11 April, a military tribunal sentenced 19 civilians to death, and on 15 April, a military tribunal sentenced another seven. Though the death penalty has existed in Burma since 1988, nobody was ever executed; these 26 cases would be the first.³⁸

Repressive orders

On 8 and 9 February, the SAC used Code of Criminal Procedure Section 144 to prohibit “unlawful assembly, talks, using vehicles or in persons in marching around, protests, destroying and violent acts [...] assembly of five or more than five persons [...] and [the 8pm – 4am curfew]” in 44 of 45 Yangon Region townships, and 85 townships across Mandalay, Magway, Sagaing, Bago, Tanintharyi, and Ayeyarwaddy Regions, Kachin, Kayah, Kayin, Mon, and Shan States, and the capital, Naypyidaw.³⁹

In February, the SAC amended provisions of Burma’s Penal Code and Code of Criminal Procedure, as well as the Ward or Village Tract Administration Law, Law Protecting the Privacy and Security of Citizens, and Electronic Transactions Law.⁴⁰ These amendments introduce vagueness allowing for the

²⁷ SAC (2 Feb 2021) Order No 2/2021 Appointment and Assignment of Union Auditor-General

²⁸ SAC (2 Feb 2021) Order No 12/2021 Appointment and Assignment of Chairman of Nay Pyi Taw Council

²⁹ SAC (2 Feb 2021) Order No 10/2021 Appointment and Assignment of Chairmen of State/Region Administration Council ;

SAC (2 Feb 2021) Order No 11/2021 Appointment and Assignment of Chairmen of Self-Administered Divisions and Zones

³⁰ SAC (2 Feb 2021) Order No 1/2021 Appointment and Assignment of Union Attorney-General; SAC (2 Feb 2021) Order No 3/2021 Duty Termination from Deputy Attorney-General; SAC (4 Mar 2021) Order No 101/2021 Appointment and Duty Assignment of Deputy Attorney-General

³¹ SAC (4 Mar 2021) Order No 102/2021 Appointment and Duty Assignment of States/Regions Attorney-Generals

³² SAC (4 Feb 2021) Order No 23/2021 Appointment and Duty Assignment of Justices for Supreme Court of the Union; SAC (4 Feb 2021) Order No 24/2021 Duty Terminations from Justices of Supreme Court of the Union; SAC (1 Mar 2021) Order No 95/2021 Appointment of Chief Justices of State High Court; SAC (1 Mar 2021) Order No 96/2021 Appointment of Judges of Region/State High Court

³³ Office of Commander-in-Chief of Defense Services (1 Feb 2021) Order No 1/2021 Appointment and Duty Assignment of Union Chief Justice and Supreme Court Justices; Office of Commander-in-Chief of Defense Services (1 Feb 2021) Order No 3/2021 Appointment and Duty Assignment of Members of Anti-Corruption Commission; Office of Commander-in-Chief of Defense Services (1 Feb 2021) Order No 4/2021 Appointment and Duty Assignment of Chairman, Vice-Chairman and members of Myanmar National Human Rights Commission

³⁴ SAC (14 Mar 2021) Martial Law Order 1/2021; SAC (15 Mar 2021) Martial Law Order 2/2021

³⁵ SAC (16 Mar 2021) Crimes to be heard by Court-Martial. The ten listed laws, any violation of which would be grounds for court-martial, are the: Unlawful Associations Act, Narcotic Drugs and Psychotropic Substances Law, Protection of Public Properties Act, Protection of Public Properties Law, Press and Media Law, Printing and Publishing Law, Immigration (provisional) Act, Electronic Communications Law, Ward or Village-tract Administration Law, or Anti-terrorism Law.

³⁶ SAC (15 Mar 2021) Martial Law Order 3/2021

³⁷ SAC (13 May 2021) Martial Law Order 4/2021; SAC (13 May 2021) Martial Law Order 5/2021

³⁸ Myanmar Now (16 Apr 2021) Death sentences: the junta's latest tactic to instill fear

³⁹ SAC (10 Feb 2021) Section 144 imposed in Yangon Region; SAC (10 Feb 2021) Section 144 of the Criminal Procedure imposed in Nay Pyi Taw territory and townships in states/regions

⁴⁰ SAC (14 Feb 2021) Law 5/2021 to amend the Penal Code; Human Rights Watch (2 Mar 2021) Myanmar: Post-Coup Legal Changes Erode Human Rights; Myanmar Times (15 Feb 2021) Myanmar amends penal code as protests persist; SAC (13 Feb

punishment of anybody the SAC perceives as an enemy; and they violate human rights including freedom of expression, assembly, association, privacy, and those related to arrest and trial.

Attacks on freedom of information

The junta has implemented internet restrictions, in a desperate attempt to prevent civilians and security forces from accessing information. Nightly (1–9am) internet blackouts began on 15 February, mobile data was completely disconnected from 15 March, and public WiFi was limited from 18 March.⁴¹ On 5 May, the junta declared satellite dishes illegal.⁴² These restrictions essentially extend nationwide the internet blackout in Rakhine and Chin States, starting in June 2019, that cut off information access to around one million people.⁴³

Immediately after seizing power, the junta ordered soldiers to break into data centers and slash internet cables. Where employees resisted, soldiers held them at gunpoint. The junta also provided telecoms firms with the phone numbers of activists, junta opponents and human rights lawyers, and ordered them to block these numbers.⁴⁴

The junta has blocked social media websites Facebook, Instagram, Twitter, and WhatsApp since early February.⁴⁵ Facebook has been the most common means of online communication in Burma. These add to the list of 230 websites blocked since March 2020, which include ethnic news media.⁴⁶

Security forces have targeted journalists for their efforts to report on the current crisis. On 8 March, the junta banned national media agencies Mizzima, DVB, Khit Thit Media, Myanmar Now, and 7 Day;⁴⁷ and the next day security forces raided the office of independent media outlet Myanmar Now.⁴⁸

In March and April, they detained Polish and Japanese journalists (both deported subsequently).⁴⁹

In February, 11 members of the Myanmar Press Council and at least 12 Myanmar Times staff left their jobs after the junta issued directives not to use the word “regime” or “junta” or otherwise report in a way it views as “instigating public unrest.”⁵⁰ In April, the SAC announced that the Myanmar Press Council had been

Spyware for monitoring dissidents

Prior to the coup, the government ordered telecom and internet service providers (ISPs) to install intercept spyware that would allow the military to listen in on calls, view text messages and web traffic including emails, and track user locations without the assistance of telecoms and ISPs.

This spyware now enables the junta’s bulk collection of content and phone metadata. This is particularly significant because Burma lacks legal or regulatory safeguards to provide a check on such privacy invasions.

The junta now traces SIM cards and intercepts calls, and is allegedly already using this spyware to prosecute political dissidents. Civil servants working with the CRPH and NUG said they must often change SIM cards.

Operators are required by law to comply with junta demands, and to provide the junta with user information. Telecoms companies said if they do not comply, security forces will simply cut their lines and remove their licenses.

Reuters (20 May 2021) How Myanmar’s military moved in on the telecoms sector to spy on citizens

2021) Law 3/2021: Fourth Amendment of the Ward or Village-Tract Administration Law; SAC (13 Feb 2021) Law 4/2021: Amendment of Law Protecting the Privacy and Security of the Citizens; Free Expression Myanmar (18 Feb 2021) Myanmar’s new Electronic Transactions Law Amendment

⁴¹ NetBlocks (updated 24 Mar 2021) Internet disrupted in Myanmar amid apparent military uprising

⁴² Global New Light of Myanmar (5 May 2021) Public Information; Guardian (5 May 2021) Myanmar junta bans satellite dishes in media crackdown

⁴³ Human Rights Watch (5 Feb 2020) Myanmar Again Cuts Rakhine State’s Internet; Article 19 (6 Feb 2021) Myanmar: Nationwide Internet shutdown deepens human rights crisis following military coup

⁴⁴ Reuters (20 May 2021) How Myanmar’s military moved in on the telecoms sector to spy on citizens

⁴⁵ NetBlocks (updated 28 Apr 2021) Internet disrupted in Myanmar amid apparent military uprising

⁴⁶ Telenor (updated 9 September 2020) Blocking of websites in Myanmar; Myanmar Times (31 Mar 2020) Telenor follows Myanmar orders to block alleged ‘fake news’ sites

⁴⁷ SAC (10 Mar 2021) MoI bans five media agencies from publishing

⁴⁸ Guardian (9 Mar 2021) Myanmar: second NLD official dies in custody as junta cracks down on media

⁴⁹ Associated Press (31 Mar 2021) Freed Polish journalist urges pressure put on Myanmar junta; Associated Press (15 May 2021) Myanmar frees Japanese journalist as gesture to Tokyo

⁵⁰ Irrawaddy (18 Feb 2021) Myanmar Journalists Leave Jobs in Face of Military Regime Restrictions on Media Freedom

reconstituted.⁵¹ As of 16 May, security forces had detained at least 83 journalists, in all but three of Burma's 15 States/Regions/Union Territory.⁵²

In February, the junta proposed a Cyber Security Law that called for the “[p]revention, removal, destruction and cessation” of “[s]peech, texts, image, video, audio file, sign or other ways of expressions causing hate, disrupting the unity, stabilization and peace,” “[m]isinformation and disinformation,” and “[w]ritten and verbal statements against any existing law”; and threatens with a fine and/or three-year prison sentence “[a]ny person who is convicted of creating misinformation and disinformation with the intent of causing public panic, loss of trust or social division on [sic] a cyber space.”⁵³ Although the law appears to be tabled, some of its most harmful provisions show up in amendments to the Electronic Transactions Law and the Privacy Law.⁵⁴ In April, the junta amended the Television and Video Law, increasing the penalty for violation.⁵⁵

Rebuking ASEAN's attempted intervention

Following calls since 1 February, the Association of Southeast Asian Nations (ASEAN) held a meeting on 24 April, at which leaders from the bloc discussed solutions to the current crisis in Burma.⁵⁶

ASEAN invited coup-leader Min Aung Hlaing as the only representative from Burma (i.e., nobody from CRPH or NUG), a move that was seen by critics as legitimizing the coup.⁵⁷ Before the meeting, NUG sent an open letter to ASEAN leaders, expressing NUG's willingness to join and listing conditions that must be met before engaging with the junta;⁵⁸ and in Yangon and elsewhere, people protested against ASEAN inviting the junta chief and called for the inclusion of the NUG.⁵⁹

In a 23 April op-ed, Women's Peace Network founder and executive director Wai Wai Nu called out ASEAN for inviting Min Aung Hlaing to the meeting, thereby signaling to millions of protesters in Burma that ASEAN is abandoning them. She pointed to ASEAN's past failure to condemn or acknowledge the Tatmadaw's brutality against the Rohingya, and called on the bloc to stand with the people of Burma, for accountability, for the people of Burma, and for regional stability.⁶⁰

ASEAN chair Brunei issued a statement after the meeting that included “Five Points of Consensus,” which included the need for: (1) immediate cessation of violence; (2) constructive dialogue aimed at peace and the interests of the people; (3) a special ASEAN envoy to facilitate mediation of dialogue; (4) humanitarian assistance through the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management; and (5) ASEAN's special envoy and delegation to meet with all parties concerned in Burma.⁶¹

Reuters reported that the consensus on Burma had been changed to omit a firm call for the release of political detainees, which had been included in earlier drafts and sought by Thailand and Malaysia.⁶²

⁵¹ SAC (22 Apr 2021) Myanmar press council re-elects council Members

⁵² Reporting ASEAN (visited 17 May 2021) IN NUMBERS: Arrests of Journalists and Media Staff in Myanmar

⁵³ SAC (6 Feb 2021) Cyber Security Law (draft)

⁵⁴ Human Rights Watch (2 Mar 2021) Myanmar: Post-Coup Legal Changes Erode Human Rights; Lexology (24 Feb 2021) Myanmar Amends Legislation on the Privacy and Security of Citizens amid State of Emergency

⁵⁵ SAC (26 Apr 2021) State Administration Council Law No 18/2021: Law Amending Television and Video Law

⁵⁶ Government of Brunei Darussalam (21 Apr 2021) ASEAN to hold the ASEAN leaders' meeting in Jakarta, Republic of Indonesia

⁵⁷ Reuters (21 Apr 2021) Myanmar military says junta leader to join ASEAN summit -Nikkei Asia; Human Rights Watch (21 Apr 2021) ASEAN: Withdraw Invite to Myanmar Junta Leader

⁵⁸ National Unity Government (22 Apr 2021) Open Letter from Dr Sasa to ASEAN

⁵⁹ Associated Press (23 Apr 2021) Protest in Yangon ahead of regional summit on Myanmar crisis; Anadolu Agency (20 Apr 2021) ASEAN urged to invite Myanmar unity gov't to summit; Radio Free Asia (19 Apr 2021) ASEAN Denounced for Inviting Junta Chief to Summit on Myanmar

⁶⁰ Washington Post (23 Apr 2021) Opinion: Southeast Asian countries should recognize the slaughter in Myanmar for what it is

⁶¹ ASEAN (24 Apr 2021) Chairman's Statement on the ASEAN Leaders' Meeting

⁶² Reuters (26 Apr 2021) ASEAN changed Myanmar statement on release of political detainees – sources; Ministry of Foreign Affairs, Kingdom of Thailand (26 Apr 2021) Deputy Prime Minister and Minister of Foreign Affairs Proposed Way Forward For ASEAN in Addressing the Situation in Myanmar in the ASEAN Leaders' Meeting in Jakarta; Star (20 Apr 2021) PM to reiterate Malaysia's stand to end Myanmar violence at Asean meet, says Hisham

Following the meeting, the SAC issued a press release stating that ASEAN's suggestions would only be considered after it had restored stability in the country.⁶³ The Tatmadaw resumed the use of lethal violence only two days later, shooting dead one man in Mandalay and wounding three others.⁶⁴

The junta's reaction to ASEAN's proposed intervention was yet another indication that it is unwilling to modify its behavior to comply with international requests, such as the ICJ's past and potential future orders.

Despite the claimed consensus, the Tatmadaw dramatically stepped up its indiscriminate air strikes in Karen and Kachin States, and continued attacking civilians nationwide (table opposite).

68 airstrikes within a week of ASEAN Meeting

For details: ALTSEAN-Burma (5 May 2021) [68 air strikes on Kachin and Karen States within a week of the ASEAN summit](#)

Date	Air Strikes: Kachin State	Air Strikes: Karen State	Civilians killed by junta
24 Apr 2021 (ASEAN meeting)	4	Unknown	3
25 Apr 2021	11	Unknown	0
26 Apr 2021	11	Unknown	1
27 Apr 2021	10	3	2
28 Apr 2021	3	6	2
29 Apr 2021	4	3	1
30 Apr 2021	7	6	Unknown

Sources: Kachinland News (25 Apr 2021) SAC's fighter jets and attack helicopters bombed Salawng Kawng and Jaw Maw Post; Kachinland News (26 Apr 2021) SAC fighter jets continued bombing on Salawng Kawng; Kachinland News (26 Apr 2021) Ground battles rage as SAC's fighter jets and attack helicopters bomb Salawng Kawng; Kachinland News (28 Apr 2021) SAC's airstrikes continue as battles rage around Salawng Kawng; BNI (28 Apr 2021) Burma Army Attacks KIA On Strategic Mountain Base in Kachin State; Kachinland News (28 Apr 2021) Battles rage at Shang Htung Bum; Karen Women's Organization, via Twitter (28 Apr 2021) <https://tinyurl.com/yfpv3y4w>; Wahkushee Tenner, via Twitter (28 Apr 2021), <https://tinyurl.com/4r7axej6>; Kachinland News (29 Apr 2021) Airstrikes and ground battles continue at Salawng Kawng; Kachinland News (30 Apr 2021) SAC's fighter jets bomb Salawng Kawng, Jaw Maw Post and KIA's 25th Battalion positions; Karen Women's Organization, via Twitter (30 Apr 2021) <https://tinyurl.com/xvsvyd5ux>; Kachinland News, (1 May 2021) 7 airstrikes and several artillery fires as ground battles rage; Karen Women's Organization, via Twitter (1 May 2021) <https://tinyurl.com/uptyamse>; AAPP (30 Apr 2021) Daily Briefing in Relation to the Military Coup

⁶³ Global New Light of Myanmar (26 Apr 2021) Press Release on ASEAN Leaders' Meeting; Bangkok Post (27 Apr 2021) Myanmar's junta rebuffs Asean plan to end months of violence; Thai PBS World (27 Apr 2021) Stability before ASEAN proposals to be considered — Myanmar junta leader

⁶⁴ Reuters (26 Apr 2021) Man killed in Myanmar two days after regional deal, local media say