



Inter-Parliamentary Union
For democracy. For everyone.

Myanmar

*Decision adopted unanimously by the IPU Governing Council at its 209th session
(Nusa Dua, 24 March 2022)*



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

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| MMR-267 - Win Myint | MMR-302 - Myat Thida Htun (Ms.) |
| MMR-268 - Aung San Suu Kyi (Ms.) | MMR-303 - Saw Shar Phaung Awar |
| MMR-269 - Henry Van Thio | MMR-304 - Robert Nyal Yal |
| MMR-270 - Mann Win Khaing Than | MMR-305 - Lamin Tun (aka Aphyo) |
| MMR-271 - T Khun Myat | MMR-306 - Aung Kyi Nyunt |
| MMR-272 - Tun Tun Hein | MMR-307 - Lama Naw Aung |
| MMR-274 - Than Zin Maung | MMR-308 - Sithu Maung |
| MMR-275 - Dr. Win Myat Aye | MMR-309 - Aung Kyaw Oo |
| MMR-276 - Aung Myint | MMR-310 - Naung Na Jatan |
| MMR-277 - Ye Khaung Nyunt | MMR-311 - Myint Oo |
| MMR-278 - Dr. Myo Aung | MMR-312 - Nan Mol Kham (Ms.) |
| MMR-279 - Kyaw Myint | MMR-313 - Thant Zin Tun |
| MMR-280 - Win Mya Mya (Ms.) | MMR-314 - Maung Maung Swe |
| MMR-281 - Kyaw Min Hlaing | MMR-315 - Thein Tun |
| MMR-283 - Okka Min | MMR-316 - Than Htut |
| MMR-284 - Zarni Min | MMR-317 - Aung Aung Oo |
| MMR-285 - Mya Thein | MMR-318 - Ba Myo Thein |
| MMR-286 - Tint Soe | MMR-319 - Soe Win (a) Soe Lay |
| MMR-287 - Kyaw Thaung | MMR-320 - U Mann Nyunt Thein |
| MMR-289 - Phyu Phyu Thin (Ms.) | MMR-321 - Khin Myat Thu |
| MMR-290 - Ye Mon (aka Tin Thit) | MMR-322 - Nay Lin Aung |
| MMR-291 - Htun Myint | MMR-323 - Hung Naing |
| MMR-292 - Naing Htoo Aung | MMR-324 - Shwe Pon (Ms.) |
| MMR-293 - Dr. Wai Phyo Aung | MMR-325 - Wai Lin Aung |
| MMR-294 - Zin Mar Aung (Ms.) | MMR-326 - Pyae Phyo |
| MMR-295 - Lwin Ko Latt | MMR-327 - Mr. Lin Lin Oo |
| MMR-297 - Win Naing | MMR-328 - Mr. Kyaw Lin |
| MMR-298 - Nay Myo | MMR-329 - Mr. Tin Htwe |

MMR-299 - Zaw Min Thein
MMR-301 - Zay Latt
MMR-301 - Zay Latt

MMR-330 - Mr. Aung Myint Shain
MMR-331 - Mr. Pital Aung
MMR-332 - Mr. Ohn Win

Alleged human rights violations

- ✓ Abduction
- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation
- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention
- ✓ Lack of fair trial proceedings
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Violation of freedom of movement
- ✓ Failure to respect parliamentary immunity
- ✓ Other violations: unlawful revocation of citizenship

A. Summary of the case¹

After refusing to recognize the results of the November 2020 parliamentary elections, the military declared a state of emergency that would last for a year and proceeded to seize power by force on 1 February 2021, the day that the new parliament was due to take office. This state of emergency was extended on 31 January 2022, with a promise to hold elections by the end of 2023.

The complainant reports that the Speaker of the Parliament of Myanmar (*Pyidaungsu Hluttaw*), State Counsellor Aung San Suu Kyi and six other parliamentarians of the majority National League for Democracy (NLD) were placed under house arrest while 20 other members of parliament were arbitrarily arrested shortly after the coup. The arrest of Mr. Wai Lin Aung and Dr. Pyae Phyo on 14 December 2021 brought the total number of parliamentarians in detention to 30. Of those detained, many are reportedly being held incommunicado in overcrowded prisons, where they are facing mistreatment and torture, with little or no access to medical care or legal counsel, a fate that is shared by close to 1,000 arbitrarily detained citizens according to a report by the United Nations (UN) Special Rapporteur on the human rights situation in Myanmar.² On 16 November 2021, State Counsellor Aung San Suu Kyi and 15 other senior politicians were charged with election fraud during the November elections, possibly leading to imprisonment, suspension of political rights and the dissolution of the NLD party. On 5 December 2021, Ms. Aung San Suu Kyi and Mr. Win Myint were found guilty of inciting public unrest and convicted to four years in prison, which was followed by another conviction for Ms. Aung San Suu Kyi on 10 January 2022 on three separate charges. Altogether she has been sentenced to six years in prison, with more charges pending against her.

According to the complainant, on 4 February 2021, some 70 elected members of parliament from the NLD 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 the *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 on 31 March 2021 appointed a National Unity Government (NUG), 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 family members of the CRPH members have apparently been repeatedly

Case MMR-COLL-03

Myanmar: Parliament affiliated to the IPU

Victims: 62 parliamentarians from the opposition (55 male and 7 female)

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

Submission of complaint: March 2021

Recent IPU decision: February 2022

Recent IPU Mission(s): - - -

Recent Committee hearing: Hearing with the United Nations Special Rapporteur on the human rights situation in Myanmar (March 2022)

Recent follow-up:

- *Note Verbale* from the Permanent Mission of the Republic of the Union of Myanmar to the United Nations Office and other international organizations in Geneva: February 2022
- Communication from the complainant: February 2022
- *Note verbale* to the Permanent Mission of the Republic of the Union of Myanmar to the United Nations Office and other international organizations in Geneva: February 2022
- Communication to the complainant: March 2022

¹ For the purposes of this report, the term "opposition" relates to members of parliament from political groups or parties that have limited decision-making power and are opposed to the ruling power.

² <https://www.ohchr.org/en/press-releases/2022/03/myanmar-un-report-urges-immediate-concerted-effort-international-community?LangID=E&NewsID=28283>

subjected to harassment and abuse by the military, with the father of Mr. Sithu Maung allegedly being tortured to death after his arrest. The former Speaker of the upper house of parliament and Prime Minister of the NUG, 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.

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 March 2021, with reports of live automatic ammunition and explosive weapons used against civilians. The UN Special Rapporteur has recognized the widespread and systematic nature of the violations carried out by the military (known as the “*Tatmadaw*”) since the beginning of the coup and declared that their scale met the threshold of the definition of crimes against humanity under international law. In addition, some experts have voiced their concern in the UN Security Council and other international forums, declaring that Myanmar was on the brink of state failure, pointing out that the actions of the military were making the country ungovernable.

On 24 April 2021, the Association of Southeast Asian Nations (ASEAN) held a leaders’ meeting to discuss “pressing issues of common interest”, inviting a representative from the military authorities of Myanmar to attend. This meeting led to the adoption of a five-point consensus on Myanmar, calling for the immediate cessation of violence and the nomination of a special envoy to Myanmar who was to visit the country to meet with all parties concerned. As the military authorities denied access to the special envoy and showed no willingness to implement the five-point consensus, they have been excluded from ASEAN meetings as of October 2021.

According to the latest information provided by the complainant, Mr. Yee Mon (aka Tin Thit), the Hon. Mr. Lwin Ko Latt, the Hon. Ms. Zin Mar Aung and Ms. Phyu Phyu Thin were stripped of their citizenship for allegedly “harming the interests of Myanmar” in violation of article 16 of the Myanmar Citizenship Law. At a hearing with the IPU Committee on the Human Rights of Parliamentarians in March 2022, the UN Special Rapporteur reported that over 1,600 civilians have been killed by the *Tatmadaw* in what he describes as a series of war crimes and crimes against humanity. The Special Rapporteur called for greater and more concerted pressure on the military authorities by the entire international community. He also renewed his call to halt the flow of arms towards the military, which had reportedly received weapons that were used against the civilian population from a limited number of countries well after the *coup d’état*, as described in his latest report.³ Meanwhile, the IPU Secretariat has received correspondence from the military authorities accusing the NUG of fostering terrorism and disorder, which has allegedly claimed over 1,000 lives, while indicating a commitment to implementing the five-point consensus and the possibility of resuming dialogue provided trust and confidence-building measures are taken first.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the current case also includes a new complaint regarding the situation of Mr. Lin Lin Oo, Mr. Kyaw Lin, Mr. Tin Htwe, Mr. Aung Myint Shain, Mr. Pital Aung and Mr. Ohn Win, and 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) 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, lack of fair trial proceedings, violation of freedom of opinion and expression, violation of freedom of assembly and association and failure to respect parliamentary immunity, which are allegations that fall under 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 it;
2. *Acknowledges* the information provided by the Permanent Mission of the Republic of the Union of Myanmar to the United Nations Office and other international organizations in Geneva in

3 Report by the United Nations Special Rapporteur on the human rights situation in Myanmar – *Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military*. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/Myanmar.pdf>

reply to questions submitted to it by the Committee; and *takes note* that two more parliamentarians elected in 2020 have been released in the past few months;

3. *Is concerned* by allegations that at least four parliamentarians have been arbitrarily deprived of their citizenship by the military-appointed State Administration Council; *emphasizes* that, under international law, the revocation of nationality is an extremely serious measure, all the more so if it leads to statelessness, and should only be taken with full respect for due process, which should include hearing the individual concerned, and only on very serious grounds; and *wishes* to receive information on these points from the military authorities;
4. *Continues* to be appalled by allegations that 62 parliamentarians are being held incommunicado in prisons where they reportedly face ill-treatment, torture and gender-based violence, and that they are being held in inhumane detention conditions with limited or no access to medical care or legal counsel; *requests*, once again, that the military authorities provide specific information on each parliamentarian who is deprived of their liberty, including on their state of health and access to humane and safe detention conditions, family visits and confidential meetings with their lawyers, as well as on the fair and public trial of each detained parliamentarian; and *urges* the military authorities to allow access to the International Committee of the Red Cross to visit parliamentarians in detention;
5. *Is dismayed* by the human toll resulting from the violence that followed the forceful takeover of power, including reports of war crimes and crimes against humanity; *urges* the military authorities to honour their commitment to implementing the five-point consensus brokered by ASEAN and putting an immediate end to the violence; *is perplexed* by the notion put forward by the military authorities that actions taken against protesters are to be seen as steps taken to implement their commitment to ending violence; *urges* the military authorities to implement their commitment to abiding by the five-point consensus by immediately ceasing the use of lethal force and exercising genuine restraint against those exercising their human rights, as well as by abiding by international principles of human rights and the rule of law; and *believes* that the release of all detained parliamentarians is an essential step towards ending violence and building the trust that would allow a de-escalation of violence and a return to dialogue, as prescribed by the five-point consensus;
6. *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 Committee Representing the *Pyidaungsu Hluttaw* (CRPH), and any other person elected in November 2020, in connection with their parliamentary activities; and *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, including the ASEAN Inter-Parliamentary Assembly, 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 members of the CRPH; *welcomes* the actions taken thus far to contribute to a resolution of the crisis and *calls on* Member Parliaments to do more in that regard, including by helping to stop the flow of arms used against civilians; *calls on* its Member Parliaments and the IPU Secretariat to further strengthen the international network of solidarity with the Myanmar parliamentarians together with the International Parliamentarians Alliance for Myanmar (IPAM), and to take concrete actions in support of this endeavour in partnership with other international organizations active in the region; and *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;
9. *Requests* the Committee to continue examining this case and to report back to it in due course.