

AAPP Written Submission for ACHR International Parliamentary Inquiry

Background:

The Assistance Association for Political Prisoners (AAPP) was founded in 2000 by former political prisoners living in exile on the Thailand-Burma border. It is a non-profit, human rights, survivor led organization engaged in documentation and research of political prisoner issues and other human rights violations, advocacy and lobbying on prison reform, legal framework, parliamentary advocacy, national reconciliation, and transitional justice. AAPP has provided data on political prisoners and other human rights violations to stakeholders at the United Nations, foreign governments, and international non-profits, for over 20 years. Since the military coup, AAPP has been tracking detentions, killings, and warrants against the pro-democracy movement. Becoming the credible source for detentions and killings by the United Nations, Inter-Parliamentary Union, ACHR, and others.

Contact information:

Email: info@aappb.org

Website: www.aappb.org

Summary:

The Assistance Association Assistance for Political Prisoners is making a submission to the International Parliamentary Inquiry into the global response to the crisis in Myanmar to guide parliamentarians involved on what they can promote. Utilizing AAPP databases (found in Annex I, II, III), this submission will broadly cover questions 5. What alternative mechanisms or actions could be considered to influence the situation in Myanmar? 7. To what extent is humanitarian aid reaching the people in need in Myanmar? What can be done to ensure effective delivery of aid? 9. What may have triggered the coup? How did the international community contribute to the environment and situation in Myanmar that eventually resulted in the coup?

Please find attached:

Annex I: AAPP parliamentarian and government official, political party member and official, and UEC official, detained and killed post-coup data visualizations.

Annex II: AAPP parliamentarian and governmental official, detained and killed database

Annex III: AAPP political party member and official, detained and killed database

Annex IV: AAPP Union Election Commission official, detained and killed database

Background:

The military in Burma has held an iron grip over society, the economy, and governance for decades. In the early-2000's, the then-ruling junta introduced some economic and political relaxations. The intent was never to make the economy fairer or democracy functional, but to protect their economic interests, promote its guardianship role, and resist accountability for the military leaders' atrocity crimes. Ultimately,

the quasi-democratic government between 2015 to 2021 was designed to benefit and protect the military. Amplifications of fraudulent November 2020 elections following the military's power grab must be seen in the context of the military rejecting the democratic aspirations of the population amid claims of stabilizing the country, which in reality only attempted to protect their institution. As the crisis deteriorates even further, the military proposed elections in 2023 would be illegitimate, coerced, and a force for even more instability.

The electoral system and the upcoming 2023 elections should be recognized as illegitimate and undemocratic. The results of the November 2020 elections in which the National League for Democracy won by a majority were deemed highly reliable by 61 international observers, 182 diplomatic observers, and 58 people from election support providers.¹ However, since the military coup (290) parliamentarians and government officials have been arrested, and (60) are actively serving prison sentences up to life imprisonment.² Any junta elections would also be coerced, the civilian Union Election Commission has been targeted by the military since the coup, (155) UEC officials have been arrested, and (23) remain under detention.³ Whilst (594) NLD party cardholders, officials and other political party members have been arrested, and (23) NLD party members have been killed by the armed wing of the junta.⁴ In fact, junta regulated elections would be a cause for even further instability.

The military and its cronies have always had tight control over Burma's economy, including some of the largest trading, banking, manufacturing, retail, and extractive enterprises. Its 'state within a state', means soldiers and dependents have access to the best schools, hospitals, and other institutions, bestowing them with better livelihoods in exchange for loyalty. Whilst institutional brutality, surveillance, and the fear of betrayal keeps most troops silent. Cracking down on the military's internal coherence, and business interests is key to strengthening the pro-democracy movement. However international actors neglected to address or even at times recognize this in the country following post-2011 reforms.

Alternative Mechanisms:

As of July 19, 2022, AAPP has verified (2092) civilians killed by the armed wing of the junta⁵, many more will have been murdered, whilst it is predicted, 33,000 children will die from preventable causes due to the

¹ Asian Network for Free Elections: ANFREL, 2020. *IEOM To The 2020 Myanmar General Elections Interim Report*. [online] pp.22 - 42. Available at: https://anfrel.org/wp-content/uploads/2020/11/ANFREL-Interim-Report_IEOM-to-the-2020-Myanmar-General-Elections.pdf

² See attached. Data correct as of July 19, 2022. Annex II: AAPP parliamentarian and governmental official, detained and killed database

³ See attached. Data correct as of July 19, 2022. Annex IV: AAPP Union Election Commission official, detained and killed database

⁴ See attached. Data correct as of July 19, 2022. Annex III: AAPP political party member and official, detained and killed database

⁵ AAPP (2022) 'Total Killed Since Coup' Available at: <https://aappb.org/>

lack of routine immunizations according in 2022⁶. 111,6000 are internally displaced as of 4 July 2022⁷ huge numbers are fleeing to the west in Sagaing and Magway, to the north in Kachin, and to the east in Karenni and Karen, welcomed by ethnic armed resistance groups, people's defense forces (PDF), civil society humanitarian actors, and local populations.

To respond to the crisis in Burma alternative mechanisms of action are urgently required, some of these include; i) ASEAN to reconsider its principle of non-interference, ii) increase material support to the people of Burma iii) foreign governments to encourage defections from the military.

ASEAN's response to the ongoing crisis has been a persistence on the inadequate 5-Point Consensus from April 24, 2021.⁸ The statement did not reach a consensus on the release of the political prisoners, who the key stakeholders in any dialogue would be, or a timeline for its effective implementation. The junta leader even prevented the previous special envoy from Brunei, Erywan Yusof, from visiting the country, let alone meeting with representatives of the NUG, an essential condition for any return to a stable federal democracy.⁹ ASEAN member states currently adhere to a harmful non-interference policy,¹⁰ its lack of enforcement of the 5-Point-Consensus additionally undermines the regional blocs' international standing. Another example was General Mya Tun Oo appearance at the ASEAN Defense Meeting on 22 April 2022.¹¹ Given the deteriorating conditions in Myanmar, ASEAN must rethink its non-interference policy together with a strong, effective, people-centered solution.

The people in Myanmar are currently standing on their own two feet, fighting against a return to oppressive military rule. Concrete efforts are required to support democratic movements against the coup. In Myainga township, Magway Region, villagers donated their earnings and jewelry which are invaluable for them to local resistance movements.¹² This is how much people desire to escape the coup and support the revolution. Rather than one state's voice or action, strong coordination among the states is necessary to present a cooperative approach which greatly increases the resources for the humanitarian and human rights sector.

An important alternative approach is to support defectors from the military. The rate of defections from the military is currently inconsequential to military operations, primarily soldiers are concerned about their own and family security. But regional allies can ensure personal security of defectors. If individual

⁶ OHCHR (2022) "Myanmar: Crisis taking an enormous toll on children, UN committee warns" on 29 June 2022. Available at: <https://www.ohchr.org/en/statements/2022/06/myanmar-crisis-taking-enormous-toll-children-un-committee-warns/>

⁷ UNHCR Myanmar Emergency Update (as of 6 July 2022) Available at: <https://reliefweb.int/report/myanmar/myanmar-emergency-update-6-july-2022/>

⁸ ASEAN Chairman's Statement on the ASEAN Leaders' Meeting on 24 April 2021. Available at: <https://asean.org/wp-content/uploads/Chairmans-Statement-on-ALM-Five-Point-Consensus-24-April-2021-FINAL-a-1.pdf>

⁹ Human Rights Watch (2022) "Myanmar: ASEAN's Failed '5-Point Consensus' a Year On" on 22 April 2022. Available at: <https://www.hrw.org/news/2022/04/22/myanmar-aseans-failed-5-point-consensus-year>

¹⁰ ASEAN Charter (2007) <https://asean.org/wp-content/uploads/images/archive/publications/ASEAN-Charter.pdf>

¹¹ Radio Free Asia (2022) "Myanmar junta representative attends ASEAN defence meeting" on 22 June 2022. Available at: <https://www.rfa.org/english/news/myanmar/admm-06222022161316.html>

¹² Democratic Voice of Burma (DVB) "တော်လှန်ရေးရှေ့ဆက်နိုင်ဖို့ ပိုင်ဆိုင်သမျှ စွန့်လွှတ်ပေးဆပ်နေကြတဲ့ အမျိုးသမီးတွေ" on 4 July 2022 <http://burmese.dvb.no/archives/541715>

defections can grow to unit-level¹³ in the coming months, we could reach a turning point in undermining junta stability. In March 2021, Australia suspended its English language training program to the military because of the military's deadly crackdown on anti-coup protesters.¹⁴ However, following the coup in 2021, Japan still accepted two cadets and two officers for training.¹⁵ The Japanese defense minister justified the decision by claiming that "cultivating even one person who understands civilian control..."¹⁶ Instead of training military personnel, the Japanese government should cut defense ties with the junta criminals and networks and relations created previously should be utilized to support defections and the pro-democracy movement.

All these alternative mechanisms require political will from the respective parliaments and states, as well as material, diplomatic resources, and the capacity to halt this ongoing crisis in Burma. It should also be recognized that overthrowing military rule will not alone solve the country's deep-rooted problems. In the long run, concrete efforts are required to design the new federal democratic constitution and guarantee the military has no role in Burma's politics and economy.

Humanitarian Aid:

The impact of the international response to Burma's military takeover has been limited, with humanitarian action particularly falling short. According to recent data, over 14 million people in Burma require humanitarian assistance, with only about 2.6 million having received it as of the first quarter of 2022.¹⁷ International NGOs must diverge from now-standard humanitarian principles of transparency and neutrality to effectively deliver aid to the people of Burma.¹⁸ If implemented through the National Unity Government (NUG), humanitarian aid would ensure that the democratic opposition entrenches its support among the population. There are multiple humanitarian organizations currently responding to these needs, but many have been met with questionable compromises prompted by a failed system. In one instance of military interference in aid, a Japanese non-profit organization, Myanmar International Assistance Organization, had half of the rice they donated through military-channels replaced with crushed rice which is typically

¹³ Asia Times (2022) "Is Myanmar's military starting to lose the war?" on 30 May 2022. Available at: <https://asiatimes.com/2022/05/is-myanmars-military-starting-to-lose-the-war/>

¹⁴ The Guardian (2021) "Australia suspends military cooperation with Myanmar following last month's coup" on 7 March 2021 Available at: <https://www.theguardian.com/world/2021/mar/08/australia-suspends-military-cooperation-with-myanmar-following-last-months-coup/>

¹⁵ Human Rights Watch (2022) "Myanmar: Japan-Trained Officer Among Abusive Forces" On 22 May 2022. Available at: <https://www.hrw.org/news/2022/05/23/myanmar-japan-trained-officer-among-abusive-forces/>

¹⁶ Human Rights Watch Report 2022 "Japan to Train New Cadets, Officers from Abusive Myanmar Military" on 22 April 2022. Available at: <https://www.hrw.org/news/2022/04/27/japan-train-new-cadets-officers-abusive-myanmar-military/>

¹⁷ Banerjee, S., 2022. *The Myanmar crisis: Escalating humanitarian emergencies*. [online] Observer Research Foundation. Available at: <https://www.orfonline.org/expert-speak/the-myanmar-crisis-escalating-humanitarian-emergencies/>

¹⁸ Slim, H., 2021. *Humanitarian resistance and military dictatorship*. [online] Humanitarian Practice Network. Available at: <https://odihpn.org/publication/humanitarian-resistance-and-military-dictatorship/>

used in chicken feed.¹⁹ Addressing this is critical to ensure those oppressing the targeted populations do not receive aid. At the moment, international actors have set up oversimplified guidelines which do not display how multifaceted the crisis is. Supplies have already been successfully brought to displacement sites across the border between Thailand and Burma through local CSOs.²⁰

Building formal dialogue between ASEAN government and agencies, and with NUG, National Unity Consultative Council (NUCC), and CSOs would allow for stronger coordination in humanitarian aid, as they are in the position to more widely inform on the pro-democracy movement and their needs. The NUG Ministry of Humanitarian Affairs and Disaster Management was formed on April 16, 2021, but the ministry and CSOs require increased engagement and support. Therefore, humanitarian assistance to at-risk populations would be enhanced if foreign aid donors, Burma's neighbors, and United Nations agencies coordinated directly with the pro-democracy movement. Coordination would ensure aid is successfully reached to those who actually need it most, most of whom are part of the persecuted democratic opposition²¹.

Based on seasonal and security changes, adaptive humanitarian support is also crucial. During the monsoons, IDP urgently need raincoats, shelter, and food. When there was a lack of shelters, blankets, and medicines in Phe Kong, Shan state, a 6-day old boy called Mar Rio died on 11 June 2021.²² To mitigate these risks, strong relationships with the local civil society and community-based organizations must be developed because they have knowledge of and experience with the local context¹¹. On 6 May 2022, ASEAN's decision to provide humanitarian aid through the junta risked urgent delivery of aid to the people. It was also ineffective, the junta forces are blocking desperately needed aid from reaching millions of displaced people.²³ For example, on April 3rd, 2022, a United Nations World Food Programme (WFP) convoy carrying aid for IDPs was stopped by the Military Council near Kamma Township (Magway Region) and forced to return back to Pakokku.²⁴ Foods and medicines, such as rice, edible oil, beans, other basic food essentials, and pulses and nutritional supplements for breastfeeding mothers who WFP were set to deliver were in urgent need of this supply. People have been displaced across the country following the coup, and IDPs urgently require food deliveries, medicine, and shelter during the rainy season.

¹⁹ Masheter, P., 2022. *Japan NPO aims to deliver for people suffering under Myanmar junta*. [online] Kyodo News. Available at: <https://english.kyodonews.net/news/2022/06/c98e2f9d0fd4-japan-npo-aims-to-deliver-for-people-suffering-under-myanmar-junta.html?phrase=Abe%20approval&words=>

²⁰ Karen Human Rights Group, 2022. *Denied and Deprived: Local communities confronting the humanitarian crisis and protection challenges in Southeast Burma*. [online] p.24-43. Available at: <https://reliefweb.int/report/myanmar/denied-and-deprived-local-communities-confronting-humanitarian-crisis-and-protection-challenges-southeast-burma-enmyth>

²¹ Assistance Association of Political Prisoners: AAPP, 2022. *Accountability for the Junta Criminals*. [online] pp.53-58. Available at: https://aappb.org/wp-content/uploads/2022/07/Crimes-Against-Humanity-Report_8-Jul-2022-English.pdf

²² Myanmar Now (2021) “*ခြောက်ရက်သား အရွယ် စစ်ရှောင် ကရင်နီကလေးငယ် အအေးမိ၍ သေဆုံး*” on 13 June 2021. Available at: <https://www.myanmar-now.org/mm/news/7095/>

²³ Human Rights Watch (2022) “*Myanmar: Junta Blocks Lifesaving Aid*” on 22 April 2022. Available at: <https://www.hrw.org/news/2022/04/22/myanmar-aseans-failed-5-point-consensus-year/>

²⁴ Mizzima, 2022. *Authorities block UN World Food Programme convoy from reaching IDPs*. [online] Mizzima Myanmar News and Insight. Available at: <https://mizzima.com/article/authorities-block-un-world-food-programme-convoy-reaching-idps>

Recommendations to Committee Members:

- Pressure ASEAN member states to revisit the 5-Point Consensus, it must include the release of all political prisoners, name the NUG, NUCC, CRPH, and EROs as key stakeholders in any dialogue, as well as a timeline for its effective implementation.
- Pressure UN member states to refuse recognition of any junta-controlled 2023 elections.
- Reject a return to the un-democratic 2008 constitution era.
- Pressure like-minded governments and Burma's neighbors to support defections and the pro-democracy movement.
- Pressure ASEAN to promote military business boycotts and withdraw from military affiliated ventures.
- Promote coordination between the NUG, NUCC, CSOs, and foreign governments.
- Support the National Unity Government as the legitimate representative of Burma at the United Nations, and regional blocs.
- Provide urgent humanitarian assistance to over 14 million people, particularly through local CSOs and cross border networks.