

# CHAPTER I

## INTRODUCTION

### 1.1. Background

In 2021 Myanmar experienced a coup within its government. The coup that occurred made the international world, especially countries in Southeast Asia, shocked by this. The military took over the government of Myanmar in a fairly short time. This was not the first time Myanmar had a coup because something similar happened in 1962. The government at that time was in a coup by the military on the grounds that the government failed to maintain the integrity of the country due to problems. Ethnic conflict became the main problem of the coup at that time. Not only that, other problems are corruption and the failure to maintain economic stability which was the cause of the 1962 military coup.

The coup in 2021 is different from the previous coups, the main cause of the coup in early February was allegations of fraud that occurred in the 2020 elections. The military takes over the country and gives mandate of the government to the top military leader. Min Aung Hlaing as the highest military leader becomes the holder of the current government power of Myanmar. The return of military power has disrupted the implementation and consolidation of the democratic process in Myanmar. The development of democracy in Myanmar is very important and valuable for the people of Myanmar which they want to continue to maintain. The coup d'état caused outrage from Myanmar's civil society (Faustina Ivana S.D.J, 2021).

The anger of the people of Myanmar is not unfounded but because of their fears that the return of

authoritarian rule and democracy will disappear. The reason for these concerns is because the military is reluctant to return power to the elected government. In addition, the military carried out acts of kidnapping and arresting Myanmar's national political figures. Aggressive attitude was also shown by the military towards the community or those who did not support the coup they carried out. The military declared a year-long state of emergency at the time of the coup. During the state of emergency, the military took power so that it could take aggressive action against those opposed to the coup and kidnap and arrest state adviser Aung Sans Suu Kyi. (Putra, 2021).

Demonstrations were carried out by people in various cities in Myanmar in response to the coup carried out by the military. The whole community staged demonstrations ranging from teachers, lawyers, students to government employees. Min Aung Hlaing gave "Effective Action" to respond to the demonstrations that occurred so as not to get bigger. These actions are in the form of threats to civil society and government employees to return to their activities and work as usual or they will be subject to sanctions up to arrest by the military. However, the public ignored the statement and continued to demonstrate. Those who staged the demonstration were confronted by the military and police who used anti-demonstration equipment.

Police and military use water cannons fired from police armored cars. Not only that, the police and military used rubber bullets and shot at the demonstrators who resisted and did not back down from the demonstration. The military also did not hesitate to use real bullets in responding to the demonstrators (Aid, 2021). What's more, it's not only civil society, the

military also arrests and detains celebrities or influencers who support demonstrations. More than 100 people from among celebrities were detained in this coup action because of their support for anti-coup demonstrations. Actions carried out by the military made the situation of this coup even worse and chaotic.

More than hundreds of victims have fallen because of the chaos in the demonstration. In fact, more than 2,500 people were arrested and detained for supporting anti-coup demonstrations (Ariyanti, 2021). Activists were also detained at the time of the coup. Activists detained during the coup faced violence such as torture, sexual harassment and poor conditions while detained by the military, this is especially the case for women activists who have faced sexual harassment since their arrest. Conditions for civil society and activists are very poor due to poor conditions of detention or prisons.

The coup that happened again in 2021 in Myanmar is surprising and unfortunate because this is a form of the failure of democracy in the country and also the high number of human rights violations in the country. A series of events that are happening in Myanmar today, are not in accordance with the four main pillars of democracy, namely a free and fair electoral system, active participation of the community in both practical politics and life as citizens, and protection of human rights for every citizen. , and regulations that apply to all walks of life in society. Therefore, according to the description in the introduction, this study will discuss in deep what is happening in Myanmar and what the consequences of this issue are. The research also focuses on discussing human rights violations and violations of civil and political rights that occurred during the military coup in Myanmar. The author also wants to see opportunities for the people of Myanmar

to address human rights violations committed by the Myanmar military coup.

## **1.2. Research Question**

According to the background explained above, thus, the author takes the research question below which will be further discussed in the next chapter.

1. How did Myanmar violated the human rights on civil and political of its people during the military coup in Myanmar occur?

## **1.3. Theoretical Framework**

In order to answer the research question and analyze the case study of this research, thus the writer will use the concept of Human Right and International Convention

Human rights are the rights that given to every human where instinctively expect deserved to be treated as a person, like the right to live freely, to speak your opinion, to be treated the same, the right to live where we are all born free, equal, and have the freedom of religion. According to experts, one of them, namely John Locke, human rights are rights that are owned by humans which are given directly by God as natural rights and have fundamental characteristics. For that reason, there isn't any power in this world that can uproot it from every individual. This right is given to all humans and is inherent in humans (Arifin, 2019). This right is universal or applies for every individual because everyone in this world were born with this right and entitled to them. All people own the same rights, regardless any differences, their race, gender, ethnic, religion, etc. Also, this right cannot and never be taken away or given away. As a human being, despite we are

entitled to our human rights, we also should respect and stand up for the human rights of others.

Human right, seen from history, originated from ancient thinkers who continued to develop and become law. The human right was recognized and implemented in the era of renaissance, it was begun in Britain when the authority of King was higher than the everything, and assumed that king was the representative of God. At that time, the king of Britain was King John which had the highest authority, it made him uncontrollable. So, he was able to do everything he wanted although it caused violence. The society of Britain tried to protest him and model him till he created an agreement between king and societies. That agreement is called as the first legal document of human rights or Magna Charta in 1215 (Wiratraman Perdana Herlambang. R).

Human Right are based on the important of principles like dignity, respect, fairness and equality. Human Right protect every person life without any differences. Human rights are the most individual rights and a standard general implementation for all nations and States and are a set of rights inherent in the nature and existence of humans as the Almighty God, which must be respected, upheld and protected by the State, law, government and every people for the honor and protection of human dignity.

Human rights can be classified into civil and political rights with respect to civil liberties (for example, the right to life, the right not to be tortured, and freedom of opinion), as well as economic, social and cultural rights relating to access to public goods (such as the right to obtain a proper education, right to health, or right to housing) (Theo, 2010).

At this time human rights are in peacetime as stipulated in the International Bill of Human Rights. The Universal Declaration of Human Right was made during peacetime where the contents of the declaration consisted of 5 principles, namely:

First, the inviolability principle, that every individual has the right to respect for his life, his physical and moral integrity, and the attributes that cannot be separated from his personality (there are seven principles of application).

Second, the Non Discrimination Principle, that every individual must be equal regardless of race, gender, social position, wealth, politics, religion or others.

Third, the principle of security, that everyone has the right to be guaranteed personal safety.

Fourth, the principle of independence, that everyone has the right to enjoy the freedom of individualism and,

Fifth, the principle of social welfare, that everyone has the right to enjoy pleasant living conditions.

According to Mochtar Kusumaatmadja (1982), International Convention are treaty that held between members of the community of nations and aims to make certain legal consequences. In 1948 the United Nations' new Human Rights Commission had captured the world's attention. Eleanor Roosevelt chaired the formulation process of the UDHR (Universal Declaration of Human Rights) draft. UDHR was adopted on 10 December 1948 by the 56 member

nations of the UN General Assembly, and it was happened in the general assembly meeting in Paris. UDHR was the result of the experience of the World War II. Thus, it can be said that the emergence of the concept of human rights internationally in the west is a form of effort to address threats to human dignity that are generated by oppressive economic and political systems.

After the acceptance of the universal declaration in 1948, there was a need for the change of human rights which became a legally binding obligation. In order to adopt such a binding agreement which is carried out to protect human rights, one agreement is deemed insufficient to cover problems that have different characteristics. Therefore, the UN general assembly asked to the UN Human Rights Commission in a session that took place in 1951, to build draft of a convention that discussing civil and political rights which would contain various articles stipulating that all people have the right to determine their own destiny. So that the division can be seen in 1966 where there was acceptance of two separate covenants, namely the International Covenant on Civil and Political Rights and the International Covenant on Economic and Socio-Cultural Rights. These two covenants came into force after 35 countries ratified the two treaties in 1976. The delays that occurred were mostly caused by the cold war, when human rights were abused and politicized (Camur, 2017). In addition, the UN general assembly also ratified the optional protocol to the international covenant on civil and political rights, which was the same as passed on December 16, 1966. The aim of ratifying the ICCPR convention was to strengthen the principles of human rights in the civil and political fields as stated in the UDHR is, therefore a provision that will be legally binding and, in its

translation, will cover other related issues (Adminlbh, 2013).

#### **1.4. Hypothesis**

Based on the circumstances that occurred and the theoretical framework pictured, thus the hypothesis for this thesis proposal on Human Rights Violation on Civil and Political Rights in Myanmar Military Coup 2021. However, by using the data and the theoretical framework before, the researcher assumes that: Myanmar committed human rights violence against the people during the coup carried out by the Myanmar military (Junta). People civil and political rights violated on this military coup action undermined a free and fair electoral system, active participation of the community both in practical politics and life as citizens. Based on the international agreement, the coup that occurred in Myanmar violated the human rights of its people and took away their civil and political rights based on the data obtained from the introduction described earlier.

#### **1.5. Research Methodology**

This research uses qualitative research methods. Qualitative research is a method of exploring and understanding the meaning derived from social or humanitarian problems. This qualitative research process involves important efforts by collecting specific data from a wide range of references that can then be analysed by researchers (Creswell, 2014).

This study uses qualitative methods to collect data and information regarding the coup that occurred in Myanmar. Because this is a recent phenomenon, the authors use qualitative methods to collect information



and data about the Myanmar Military Coup and Human Rights violation during Myanmar Military Coup. The data obtained will be obtained from news about the coup in Myanmar or reports about the situation that occurred in Myanmar as well as writings from several journals about the coup. The data and information obtained will be used as predictions of the implications of the Myanmar coup on Civil and Political Rights. This Research looks from Human Right Convention especially in Civil and Political Rights.

## **1.6. Research Scope**

The scope of this research is needed for the researcher to limit the analysis. Thus, the writer will make a limitation in this thesis proposal regarding the scope of time from Myanmar military coup 2021. Human Rights violation in Myanmar military coup.

## **1.7. Research Purpose**

The author conducts this research with the aim of:

1. Analyze human right violence especially in civil and political right that violated during the Myanmar Military Coup.
2. To look at opportunities for community in Myanmar to address human right violation by Myanmar military coup.

## **1.8. Systematic Writing**

The structure of this thesis which Human Right Violation on Civil and Political Rights in Myanmar Military Coup 2021 consists of the framework of clear

outline from three chapters, the following are the description of outline.

**Chapter I** is an introductory chapter that contains the background of the problem, problem formulation, framework of thought, hypotheses, research methods, research limitations, research objectives, and research systematics.

**Chapter II** discussion on issue in Myanmar, explain about Human Rights violation in Myanmar military coup, the Civil and Political Rights violation on Myanmar military coup.

**Chapter III** The conclusion and suggestion.

## CHAPTER II

### A. Myanmar Military Coup 2021

Coup in the perspective of democracy is a chronic disease that we want to get rid of from the political system. Democracy as a political mechanism requires a power transformation process that is carried out through a political process that does not use the instrument of power. Any reasons behind the coup, whether clichéd such as for the welfare of society, law enforcement and other reasons, are rejected. As Nordlinger puts it, coups are part of the political process. According to him, a coup is the key for a military officer to be able to take over state power, which is then called a military coup. This is usually done based on the state of the country whose situation is deteriorating from an economic and political point of view like corruption by state officials, separatist actors, rising inflation rates, rising unemployment rates, and so on. Usually, this military coup is used when there is more distrust of the ruling and disobedient government (Nordlinger, 1976).

The Myanmar military again took the government from civilian hands and returned to power in the Myanmar government. The taking of government power from civilians took place in February 2021 following the results of the November 2020 general election. The takeover of power occurred in a military coup. A coup is an internal problem that occurs in a country that involves a change of power, or a power that has been in power for a long time or is still new. This act is the taking of power illegally and often brutal because the taking of power is not based on the constitution and laws. A coup will be successful if there is a relationship and approval from the people and has the support of the military and non-military parties (Mawson, 1962). However, in the case of

a military coup, Myanmar differs from this definition because the coup that occurred did not get the approval of the people and the absence of support from non-military parties. This coup was carried out by the military due to allegations of fraud that occurred in the general election in November 2020.

Allegations of widespread election fraud were the main reason for the coup carried out by the Myanmar military and toppled the government of Aung San Suu Kyi. Myanmar's junta claimed the coup was necessary because of the election fraud. Aung San Suu Kyi's party won the election so badly that the army-backed United Solidarity and Development party suffered an unexpected heavy defeat. (Press, 2021). However, no evidence of substantive irregularities in the election was found by independent monitors at the time. A number of domestic and international observers also said that the 2020 Myanmar elections were free and fair (Haryono, 2021). In fact, Myanmar's electoral process was "fundamentally undemocratic" as it allows the military a 25 percent share of all parliamentary seats which was enough to block constitutional changes. Not only that, most of the population, especially the Rohingya Muslim minority, were deprived of their citizenship rights, including the right to vote.

The takeover of the government or coup was led by the top military leader, General Min Aung Hlaing. The coup began with the arrest of State Counselor Aung San Suu Kyi, President Win Myint, as well as ministers and several figures from the National League for Democracy (NLD) Party. The president and government advisers are being held under house arrest. Myanmar President Win Myint's detention was based on electoral fraud. Win Myint was charged with violating campaign guidelines and restrictions on the COVID-19 pandemic under article

25 of the Natural Disaster Management Act. Meanwhile, Aung San Suu Kyi was charged with violating the COVID-19 emergency law and charged with illegally importing and using radio and communication equipment, to be precise, six ICOM devices (radio communication equipment from Japan) from her security team and walkie-talkies which are prohibited and require permission from the military. The President and adviser to the Myanmar government was detained for two weeks.

Suu Kyi faces additional criminal charges for violating the National Disasters Act. Two charges followed for violating the Communications Act and intent to incite public unrest to the point of violating the Official Secrets Act (Koresponden, 2021). Suu Kyi is a former political prisoner and leader of Myanmar's struggle against the dictatorship. Suu Kyi is also a pro-democracy activist and founder of the NLD party. She has previously opposed the military regime and promoted Myanmar's democracy without resorting to violence. For his actions, he won the Nobel Peace Prize (Tirto.id, 2021).

The military came to power and sparked protests to demonstrations from the public. Civil society held various demonstrations in several cities in Myanmar. As in Mandalay, thousands of masked protesters marched carrying large banners calling for the military to withdraw. Thousands of people also marched in Hpakant, a jade town in Kachin state. In the Sagaing region, hundreds of protesters rode in their vehicles and waved the flag of ousted leader Aung San Suu Kyi's National League for Democracy (NLD). Protests in the Sagaing area resulted in a protest organizer, Wai Moe Naing, being detained by the military.

Similar sights of defiant civilians on their motorbikes were seen along the coast of the Tanintharyi

region. The capital of Kayah state, Loikaw, hundreds of protesters gathered in an open field for a sticky rice ball strike. Due to this demonstration, two people were shot dead in downtown Myingyan. The military has also rounded up its critics and has published the names of more than 200 people wanted under laws that make it illegal to encourage insurgency or to neglect duty in the armed forces. The army also stormed a famous Buddhist monastery in Mandalay and arrested two people (AGENCIES, 2021).

The Myanmar military blocked access to Facebook due to growing public resistance to the coup act carried out by the junta. The public called for protests and civil uprisings to demand coup actions and the arrest of political figures including the president and state advisers. Facebook is a popular medium for the people of Myanmar to access information. Not only did they block Facebook, the military also cut off internet access in some areas (Putsanra, 2021). The public is urging to restore their rights to access the internet and also to free state political figures.

Myanmar's coup has sparked condemnation at home and abroad. Since early February, hundreds to thousands of Burmese have staged demonstrations against the rule of the Myanmar junta. The demonstrators demanded that all detained political figures be released immediately. World countries, including those in Southeast Asia that are members of ASEAN, also call for the same thing (Haryono, 2021). In addition, Myanmar's military actions have received criticism from the western world to international organizations, such as America, European countries and also the UN security council. The criticism was due to the violence carried out at the time of the coup.

Several sanctions have been given to Myanmar, especially the military junta for their actions. Many international sanctions have been imposed on Myanmar, such as stopping all aid and loans to the military junta government carried out by the United States and the European Union. The European Union even sanctioned the military junta government in the form of a ban on granting visas to Myanmar government officials who wanted to visit the European Union. The sanctions and criticisms were given because of the Uprising8888 incident when the military junta controlled the government carried out an act of violently disbanding demonstrators that killed 3000 demonstrators. (Keling, 2010). This is evidence of the historical sanctions imposed on Myanmar for violations of human rights.

A United Nations fact-finding mission in 2019 recommended sanctions against the two companies and their subsidiaries, saying they provided soldiers with an additional source of income that could finance human rights abuses. Like some Western powers, the European Union has condemned the coup and called for the restoration of civilian rule. (Emmott, 2021). At the time of this coup, the EU sanctioned two companies linked to the Myanmar military. In February, the EU agreed to sanction 10 individuals involved in the military coup. Diplomats said that this would have an effect on military revenues. These sanctions were the most significant responses from the bloc since the coup that toppled down the elected government led by Nobel peace laureate Aung San Suu Ki. However, the criticisms conveyed by these countries have not been heard by the Myanmar military at this time.

The junta said the coup act was legal and constitutional because the government refused to address allegations of fraud in the November 2020 election which

declared Suu Kyi's NLD party position and Myanmar's president Win Myint a landslide victory. Several members of the government expressed their anger and determination to resist the coup at a time when the military took and arrested the president and state advisers. Romain Caillaud, a researcher in the Myanmar Studies Program at the Institute for Southeast Asian Studies, Singapore, said the consequences for the Myanmar military or the Tatmadaw for their coup this time would be dire. Caillaud said democracy in Myanmar was in decline.

"Ten years after the democratic transition began, the country is experiencing a major setback with the Tatmadaw meeting elected political leaders including Aung San Suu Kyi and senior members of the National League for Democracy (NLD)," Caillaud said. .

"The consequences will be dire, this is a different world than 1988, with globalization, social media, Covid-19, the new United States (US) government and China's infrastructure ambitions, the reaction to the Tatmadaw will be violent," he said.

The democracy in Myanmar did not last long and had to end because of the coup that happened again. Democracy means "rule of the people", the coup has removed the voice of the Myanmar people. Min Aung Hlaing in his speech said he would promise to give free and fair new elections. He said that his government would be different from the previous military regime in which acted brutally. Promises for 'fair new elections' are contrary to the actions taken. The takeover of a legally elected civilian government is clearly contrary to the principles of democracy and constitutional governance, the rule of law, good governance, and the respect and protection of human rights. The arrests of Suu Kyi and



other political figures also remind Myanmar people of the arbitrary detentions, torture, and kidnappings that have accompanied past coups. (Roza, 2021).

In 1988, Myanmar students staged protests across the country. The military junta began a deadly crackdown. Pressure on democracy that year also stirred the ruling NLD party. Caillaud said the Tatmadaw's motivations for the coup were "difficult to understand". But that may have been due to 'broken trust and communication between' the military and the NLD, frustration at the ongoing management of the conflict in Rakhine and suspicions about the 2008 constitution.

Another consequence of this military coup can also damage investment in Myanmar. Investment is part of supporting the country's economy. In this case the country suffers a loss in the event of a coup where confidence in foreign investment decreases, resulting in a decrease in the country's economic income. Some examples of cases can be seen from countries that have experienced coups such as Turkey and Thailand. Although the coups carried out failed, it still made the country's economy slumped because investment and imports and exports carried out by countries with foreign parties were hampered, and not gaining the trust of the country that invested in the country where the coup took place.

This coup also had an impact on the health sector due to the COVID-19 pandemic situation. Myanmar is also one of the agricultural countries and access to health is also difficult for rural areas in Myanmar to reach. Facilities and availability for health were increasingly difficult during the coup as the military removed or destroyed medical equipment. The coup instilled fear in the community thereby affecting the ability to improve

health outcomes in the community. Given that the military currently has intimidation in many hospitals across the country that could have a significant impact on the public seeking health. The medical community reports that they are being targeted and prevented from providing care. At least 85 doctors have been arrested since the coup began. During this pandemic, medical professionals suffer psychological and emotional losses so that their ability to support the health care system is seriously compromised (Robert, Moos, & Aye, 2021).

Judging from Myanmar's history over the last few decades, it can be seen that the Myanmar government cannot escape the grip of a dictatorship from the military (Devi, 2014). Even though Myanmar faces various problems including the economic crisis, public protests and international pressure, the Myanmar military still finds ways to strengthen its dominance in controlling the Myanmar government until now. Since the military (Tatmadaw) held power in the government of Myanmar, all aspects of life in Myanmar were taken over by the military in terms of politics, government, economy and health. Myanmar is called the most monolithically military-controlled in the world, this opinion was expressed by David I. Steinberg (Steinberg, 1982).

## **B. Human Right Violation in Myanmar Military Coup**

Myanmar has a long history of human rights abuses. Cases of human rights violations against the Rohingya ethnic in Myanmar are the things that make this country have very serious cases of human rights violations under international law. On the other hand, the coup that took place in 2021 added to the long history of human rights violations that occurred in Myanmar. The military has violated Myanmar's constitution by carrying

out a coup under the pretext of electoral fraud. The state of emergency carried out by the Myanmar military cannot be justified because it is not in accordance with the constitution and this has violated the basic principles of state law.

## **1. Human Right violation during Myanmar military coup**

The general election outcome in Myanmar which was won by the National League for Democracy (NLD) has been accused of fraud and manipulation by the Solidarity and Development (USDP) party resulting in a planned and systematic coup. The military masterminded the coup on February 1, 2021. This coup succeeded in removing the official government of Aung San Suu Kyi by arresting her and after that the military declared a state of emergency in Myanmar until re-election was held. This coup angered civil society and called on the military to restore the throne of the legitimate government and restore democracy. The movement made by Myanmar's civil society led to labor strikes in government, institutions and hospitals. Demonstrations carried out by Myanmar's civil society in response to the military and resulted in attacks to massacres of demonstrators and protesters by the Myanmar military. This is a violation of human rights due to attacks and killings of civilians by the military.

The world condemns the actions carried out by Myanmar because what they have done violates human rights. Sanctions are also given to Myanmar's military leadership by several countries such as Britain, the United States, and several countries in Europe (Winahyu, 2021). Many Myanmar citizens

fled to India to escape violence perpetrated by the Myanmar military (BBC, 2021). Previously, many international organizations criticized and urged countries in the world to impose sanctions on the Myanmar military. The sanctions provided are in the form of embargoes and sanctions against partners or companies that cooperate with the Myanmar military. The UN Council has sent a delegation to prevent further violence from occurring, and to ensure that the situation is resolved amicably. The military coup also violated several provisions in the 2008 constitution drafted by the Tatmadaw, such as attacking and injuring unarmed protesters. Military action is considered a terrorist act because of committing crimes such as shooting, beating and arresting protesters (Sembayang, 2021).

During the coup, the army also detained several Buddhist monks who led the 2007 Saffron Revolution. (Now, 2021). Many activist leaders were arrested including Mya Aye. Mya Aye is a Burmese activist and one of the leaders of the 8888 generation pro-democracy student activists in Burma (Rogers, 2021). The Assistance Association for Political Prisoners has identified 133 officials and members of parliament and 14 civil society activists detained by the military as a result of the coup on February 4 (Prisoners, 2021). Telephone and internet access had been cut off due to "technical problems". The military disrupted all cellular services across the country (Blocks, 2021). This tactic had been used in battle zones in Chin and Rakhine States, this tactic was called the "kill switch".

In international Human Rights standards, the complete restriction or closure of the internet is

collective punishment. The military hinders access to information and communication needed in daily life because during a crisis such as the COVID-19 pandemic, it is very vital. Blocked access to the internet and cellular channels can endanger the safety of lives in humanitarian crises. It is of great concern, almost 1 million people should have received humanitarian assistance but were hampered due to the termination of the network carried out by the military due to hindering protests and demonstrations that took place in Myanmar. Documentation of human rights violations and government violations is protected due to restrictions imposed (Weir, 2021). The actions taken by the military clearly violate the rights to freedom of expression and information. The Myanmar military also clearly attacked journalists covering anti-coup demonstrations and also highlighting military actions that arrested military activists and critics. (Bugher, 2021).

Since Myanmar's military coup on February 1, more than 320 people have been killed in the protests. At least 16 people were shot dead during demonstrations held in Yangon and other cities during the commemoration of Armed Forces Day. The shooting warning was initially announced in a televised address, in which Min Aung Hlaing warned protesters that they were at risk of being shot. The military said that the shooting came from the protesters, not from the military or police. Journalists covering the demonstration said that the police used live ammunition at the protesters. Due to this the US, UK and the European Union imposed sanctions in response to the coup and shootings carried out by the Myanmar military (BBC, 2021).

One of the news stories of demonstrators who died during demonstrations was a young woman who was shot by a live bullet and hit her in the head when security forces advanced on the ranks of the Myanmar demonstrators ( Schucht, et al., 2021) (unknown, 2021). This news became the world's spotlight so that the violence carried out by the military was very clear. This news showed the human rights violations committed by the Myanmar military. Overall, it was known that hundreds of civilians were killed as a result of the violence carried out by the military. The exact number of civilians killed was uncertain but some associations stated that 701 verified civilians were killed. While the military put the death toll at 248 people (Agence France-Presse, 2021). The military reported a much lower number than the association's report, so the exact number of civilians killed remained unclear during the coup.

The recent gross violations of human rights in Myanmar represent a worrying escalation of violence. This was conveyed by the United Nations (UN) Human Rights Office, referring to reports that 11 people died as a result of attacks carried out by security forces. Rupert Colville, spokesman for the UN High Commissioner for Human Rights said that more than 10 months since the Myanmar military toppled down the democratically elected government, the country's human rights situation was deteriorating and on an unprecedented scale (Firmansyah, 2021). At this time the death toll has reached approximately 1,200 people and more than 8,000 people have been arrested since the coup. Last October, the junta released thousands of arrested anti-coup protesters but some of them were re-arrested on additional charges (Safira, 2021). In

October last year Myanmar's junta carried out an attack on anti-coup fighters and resulted in the destruction of dozens of homes due to fires sparked by the use of heavy weapons in the attack. (Hutapea, 2021).

Judging from the information presented above, the Myanmar Military is using increasingly lethal tactics and weapons usually seen on the battlefield against protesters participated in peaceful protests and observers across the country claimed that the actions carried out “are unscrupulous people who may be behind these cases”. However, all of these things are contradictory because there is evidence that the security forces used violence and used firearms loaded with live ammunition in supervising demonstrations carried out by the Myanmar civil society. Action or response from the Myanmar military against demonstrators is an act of extrajudicial execution. Myanmar military forces are also clearly seen doing reckless behavior by firing ammunition in urban areas and among demonstrators consisting of civilians, teachers, medical personnel and also minors.

Serious violations committed by the military become a focal point that needs to be highlighted because these violations violate a series of Geneva conventions that are recognized as "serious violations". (UN, 1949). Acts such as the intentional killing of non-combatant civilians or persons protected by international humanitarian law. Geneva Convention IV 1949 contains rules that limit the barbarity of war and protect non-combatants (civilians, medical aid workers, wounded, sick and shipwrecked soldiers, prisoners of war) which also strengthens the rules of international humanitarian

law 89 that means murder is prohibited (Mukarramah, 2021) (ICRC).

The Myanmar government has experienced many human rights violations and now it is happening again. As in the case of the Rohingya ethnic group where there have been many human rights violations in their actions, coups carried out by the military have also repeated violations of human rights (HRW, 2021).

## **2. Civil and Political Rights Violation in Myanmar**

### **a. How are civil and political rights implemented in the state**

In the International Covenant on Civil and Political Rights, almost every country has ratified this right. This covenant is very important for every country to have. The International Covenant on Civil and Political Rights contains important guarantees for the protection of civil and political rights. This covenant was adopted by the UN General Assembly on 16 December 1966. One of the countries that has ratified this right is Switzerland, which adopted the Convention on 18 June 1992. The ICCPR has two optional protocols: First Optional Protocol to the International Covenant on Individual Civil and Political Rights under the jurisdiction of states parties that claim that their rights and freedoms under the Covenant have been violated can submit written communications to the Human Rights Committee. The United Nations completed the optional protocol on December



16, 1966. It entered into force on March 23, 1976 (UNHR, 1976). Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at the Abolition of the Death Penalty. The protocol obliges states parties to abolish the death penalty. The United Nations completed the protocol on 15 December 1989 and entered into force on 11 July 1991 (UNHR, 1989).

The implemented of this right varies from in every country. This right has two treaties (Pact I and II). Pact I concern rights which in principle contain the obligation of society to act towards individuals, such as: the right to work, to strike, to social security, right to family protection, the right to an adequate standard of living, health as much as possible or the right to education. Pact II contains what are called classical civil liberties, which protect individuals from restrictions imposed by the state. What will be mentioned is the right to life, the prohibition of torture, slavery and forced labour, the right to freedom, the obligation to treat detainees humanely and respectfully, guarantees of equality for all people in court, freedom of expression, the right to protection of private life, both the rights of minorities. the right of society to self-determination, the general prohibition of discrimination or the prohibition of discrimination against women is contained in these two treaties.

Both pacts provide mandatory reporting experience for international controls over domestic law enforcement measures. Every four years, signatory countries must submit a

report in which they account for the steps taken to realize their respective rights and for the progress made, and also to indicate the difficulties that may arise in implementing the pact. The UN agency responsible for examining reports (Pact I: Social Committee, Pact II: Human Rights Committee) adopts country-specific statements. The Pact II also provides for state complaints procedures - optional. In addition, the first optional protocol governs an individual complaint procedure in which individuals lodge complaints with the Human Rights Committee about violations of their rights.

**b. Civil and Political Rights Violation during Myanmar Military Coup**

In this case, the Myanmar government led by the military has committed many human rights violations as previously stated ranging from violations of civil rights to political and other rights. The violations that occurred were more about violations of civil rights and political rights carried out by the military, where there were arrests of demonstrators and activists who voiced their opinions. The military has violated the political rights of its citizens by arresting demonstrators and prohibiting criticism or protest of policies and actions carried out by the military such as a coup. The current Myanmar government has also violated the right to life of its people by carrying out violence and shootings against demonstrators who opposed the coup. Freedom of expression is also not attainable by Myanmar citizens because the military has banned all

activities or actions to protest and exercise the right to freedom of expression in any media. Arrest of protesters and activists also violates the right to justice (Boven, 2010).

The Covenant on Civil and Political Rights does not provide a definitive understanding of civil and political rights. However, according to Ifdhal Kasim in his book entitled Civil and Political Rights, first printed in 2001, he concluded that civil and political rights were rights that originated from dignity and were inherent in every human being whose existence is guaranteed and respected by the state so that humans are free to enjoy their rights. Rights and freedoms in the civil and political fields whose fulfillment is the responsibility of the state. Civil and political rights include 10 rights, namely; The right to life, the right to be free from torture and inhumane treatment, the right to be free from slavery and forced labour, the right to freedom and personal security, the right to freedom of movement and movement, the right to equal recognition and treatment before the law, the right to freedom of thought, belief and religion, the right to freedom of opinion and expression, the right to assemble and associate, and finally the right to participate in government (ICJR, 2012).

According to the data discussed in the article above, the Burmese junta has clearly violated the civil and political rights of the people and the government which was coup by the Myanmar military. This coup violates Human Rights in Civil and Political Rights in

article 3 which states, "The States Parties to the present Covenant undertake to guarantee the equal rights of men and women to enjoy all the civil and political rights provided for in this Covenant". Violation of this article can be proven by the loss of rights of the people of Myanmar in Myanmar elections. In addition, this coup violated article 7, article 9, article 14 and also article 19. The violence against demonstrators who were arrested by the Myanmar military security forces violated the civil and political rights in article 7. They were arrested and tortured for information during the coup. Prisoners were forced to kneel on sharp rocks, made to jump like frogs, and electrocuted using electric wires (Wardhana, 2021). The female detainees of the demonstrators were kicked, beaten and even threatened with rape (DW, 2021). The female prisoners were subjected to a lot of torture and sexual harassment until they were placed in prisons with poor conditions (A.A. (Myanmar Researcher) & Gaborit, 2021).

The arrests of several celebrities, Myanmar's civil society to government staff and leaders are further evidence of violations of articles 9 and 14 of civil and political rights. Most of the arrests were made without notice and without clear information. The arrest was only based on the people's resistance to the coup. More than 8,000 people have been detained by the military. The absence of justice and a clear decision on arrests is a problem in the violation of these two articles. They were detained and released later but the released

detainees were re-arrested on additional charges that were not clear yet.

Violation of article 19 is the largest by the Myanmar junta. The Myanmar military has silenced the people of Myanmar. The military took action to arrest and block telephone networks and the internet to keep the coup going and create a new government. Activists, human rights defenders, journalists, and other individuals who opposed and staged the demonstrations were arrested. The Burmese junta did not provide space for its citizens and even journalists to protest against their coup action. Such actions clearly violate human rights in civil and political rights (International Covenant on Civil and Political Rights).

The world condemns the actions of the Myanmar junta because what they are doing violates human rights. Sanctions were also given to the military leadership of Myanmar by several countries such as the UK, the United States, and several countries in Europe (Winahyu, 2021). Many Myanmar citizens fled to India to escape the violence carried out by the Myanmar military (BBC, 2021). Previously, many international organizations criticized and urged countries in the world to impose sanctions on the Myanmar military. The sanctions given are in the form of embargoes and sanctions against partners or companies that cooperate with the Myanmar military. The UN Council has sent a delegation to prevent further violence from occurring, and to ensure that the situation is resolved peacefully. The military coup also violated several provisions

of the 2008 constitution drafted by the Tatmadaw, such as attacking and injuring unarmed protesters. Military actions are considered terrorist acts because they commit crimes such as shooting, hitting and arresting protesters (Sembayang, 2021).

The prison sentence of Aung San Suu Kyi sparked the level of demonstrations carried out by the Myanmar people and also sparked global outrage. The Myanmar junta sentenced Aung San Suu Kyi to two years in prison. The government and international organizations condemned the ruling and said that Suu Kyi did not receive a fair trial. It also violated Aung San Suu Kyi's civil and political rights. This violates articles 9 and 14 due to unfair trial. She was sentenced on charges of sedition against the military and violating pandemic restrictions, state media reported. She was sentenced on charges of sedition against the military and violating pandemic restrictions, state media reported. The European Union's (EU) foreign policy chief, Josep Borrell, said on Monday that the EU strongly condemned the "politically motivated" ruling as a "major setback" for democracy in Myanmar. (DW, 2021). Suu Kyi has been charged with charges, including violating official laws, corruption and electoral fraud. She could face decades of imprisonment if found guilty of the charges. In addition, the military also added several other charges, including violation of the Official Secrets Act created in the colonial era and "election fraud and unlawful acts." She was also accused to receive illegal funds worth \$600,000 in cash and 11.4 kilograms of gold bars. In February,

Suu Kyi's National League for Democracy (NLD) party sent letters to international organizations urging them not to recognize the military government. For this, the junta accused Suu Kyi of sedition (DW, 2021).