

Monthly Brief on Countries under Restrictive Environment

Series #1: Cambodia, Myanmar, Afghanistan, Bangladesh & Hong Kong

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Introduction

Many Asian countries, especially in South and Southeast Asia, saw democratic regressions in the past year. The governments took advantage of the global health crisis caused by the COVID-19 pandemic to further tighten the restraints on civil liberties and crackdown on dissenters and political opponents. As a democracy advocate, ANFREL will start publishing the monthly brief on the countries under a restrictive environment to provide an insight into the human rights and democracy situation in these countries. In this series, we will cover Cambodia, Myanmar, Afghanistan, Bangladesh and Hong Kong.

Cambodia

In February, the Cambodian government issued a decree to establish an internet gateway that will allow all online traffic to be controlled and monitored, further threatening the rights of freedom of expression and privacy in the country. Under the decree, all internet traffic will be routed through the National Internet Gateway (NIG), a system reminiscent of China's "Great Firewall". On paper, NIG operators will support authorities with "measures to prevent and disconnect all network connections that affect national income, security, social order, morality, culture, traditions and customs". 63 Cambodian CSOs urged the government to repeal the decree on the establishment of NIG, citing the potential for arbitrary restrictions on internet users' freedoms and privacy.

In March, the Cambodian government also adopted a "Draft Law on Measures to Prevent the Spread of COVID-19 and other Deadly and Serious Infectious Diseases" that would allow prison sentences of up to 20 years for violations of COVID-19-related measures. Human rights groups such as Human Rights Watch criticized the bill for containing overly broad and vague provisions that the authorities could easily abuse, and failing to provide any independent oversight or procedural safeguards.

On 1 March, the Phnom Penh Municipal Court convicted in absentia nine exiled leaders of the now dissolved Cambodia National Rescue Party (CNRP) on charges of "attempt to commit felony" and "attack". The court sentenced acting CNRP leader Sam Rainsy to 25 years in prison, and deputy leaders Mu Sochua and Eng Chhay Eang to 22 years each. CNRP leaders Tioulong Saumura, Men Sothavrin, Ou Chanrith, Ho Vann, Long Ry, and Nuth Romduol were also sentenced to 20 years in prison each. The court also imposed total combined fines of 1.8 billion riel (US\$440,000) and stripped all nine of their rights to vote, run for office, and serve as public officials.

Another member of Cambodia's banned opposition party, the Cambodia National Rescue Party (CNRP), was arrested on accusations that she incited social unrest by claiming Chinese-made vaccines aimed at preventing the spread of COVID-19 were unsafe and had caused several deaths. According to

RFA, nearly 80 CNRP members, environmental activists, NGO members and Buddhist monks have been taken into custody from July 2020 to March of this year¹.

After conducting a voter list audit, the Committee for Free and Fair Elections in Cambodia (COMFREL) confirmed in February that the voter list officially announced by the National Election Committee (NEC) last year is “acceptable” even though there are still some duplicate names on the list which could lead to the disenfranchisement of a small number of voters.



A woman casts her ballot during the 2017 Commune and Sangkat Elections. (photo: Phnom Penh Post)

The NEC later announced on 16 March that the Commune and Sangkat Council elections will be held on 5 June 2022. Since then, various opposition parties have started to recruit potential candidates to challenge the ruling Cambodian People’s Party (CPP). The Ministry of Interior also approved the formation of the Cambodia Reform Party (CRP) by former CNRP lawmaker Ou Chanrath, but denied his request to use the motto “rescue, serve and protect” as it was once used by the CNRP. On the other hand, the royalist party FUNCINPEC called for unity among the royalists to be ready to contest in the upcoming commune election while anticipating the return of its leader Prince Norodom Ranariddh from his medical treatment in France.

¹ <https://www.rfa.org/english/news/cambodia/vaccine-03152021183359.html>

Myanmar

The military coup in Myanmar on 1 February 2021 is another major blow to the already declining democratic space in Asia. As part of Myanmar's "democratic transition", the two elections held in 2015 and 2020 played a significant role in testing its fragile semi-democracy under the shadow of the Tatmadaw that already occupied 25% of seats in all of the national and regional parliaments.



Anti-junta protesters participate in the demonstration in Nay Pyi Taw on 22 February 2021. (Photo: RFA)

Soon after the coup, people started resisting from their homes by banging pots and pans. Things quickly escalated to street protests in cities and towns across the country and became the largest protest movement that Myanmar has witnessed since 1988. The police and military crackdown on the peaceful protesters gradually increased from using water cannons, tear gas, rubber bullets to live ammunition. To date, at least 704 people have been killed by the junta according to the Assistance Association for Political Prisoners (AAPP), and more than 40 were children.

The AAPP also reports that a total number of 2,729 people have been detained by the junta as of 31 March. Hundreds of people including politicians, journalists, activists, and protesters were forcibly disappeared as well. Night raids are common in Yangon, Mandalay and other cities up to today.

Five media groups have had their licenses revoked and banned publishing on any platform, while the junta raided several media outlets, seizing computers and their data servers. Reports say around 50 journalists have been arrested by the junta so far, with some of them released later. As of today, Myanmar no longer has a single independent newspaper in publication. Currently, online news media are the only remaining free source of information in the country.

Restrictions on the internet have also been in place since shortly after the coup, including a daily cut-off of all internet services at night for nearly two months, and recently the junta instructed internet service providers to suspend mobile internet and all wireless broadband services until further notice. This leaves millions of people in the dark as the only available internet service is the fiber lines that are only limited to a few major cities.

The Committee Representing the Pyidaungsu Hluttaw (CPRH), the body representing the lawmakers of the National League for Democracy (NLD) elected in the 2020 general elections declared the abolishment of the 2008 Constitution of Myanmar and replaced it with a “Federal Democracy Charter” as an interim constitution on 31 March 2021. The move was supported by the ten ethnic armed groups who signed the nationwide ceasefire agreement (NCA).

Ethnic armed organizations such as the Restoration Council of Shan State (RCSS) and the Karen National Union (KNU) denounced the coup days after the military seized the power. The KNU vowed to defend its territory from the junta and their troops are attacking the Myanmar army and cutting supply routes while the Kachin Independence Army (KIA) has also staged similar attacks. The military conducted airstrikes in Kayah state, causing thousands of ethnic Karen to flee across the border to Thailand to seek refuge. Some analysts say that the situation in the country is turning towards a civil war as two types of retaliation going on against the military, on one hand in the border areas with the ethnic armed groups and on the other hand with the protesters in urban setups.

Afghanistan

Afghanistan is currently experiencing volatility with respect to its existing political landscape with little progress in negotiations between the Afghan government delegation and the Taliban.

Despite the ongoing peace talks, Afghanistan saw a worrying rise in targeted killings. According to the United Nations Assistance Mission in Afghanistan (UNAMA), at least 11 human rights defenders and media professionals were killed in targeted attacks from September 2020 to January 2021², among them include ANFREL member TEFA's executive director Mohammad Yousuf Rasheed. The trend, with the absence of claims of responsibility, has generated a climate of fear among the people in the country.

In January, First Vice President Amrullah Saleh announced that the long-overdue Ghazni parliamentary elections, provincial council elections, district council elections, and municipal elections will be held in the upcoming summer. However, local election monitors Transparent Election Foundation of Afghanistan (TEFA) and the Free and Fair Election Forum of Afghanistan (FEFA) expressed concerns that there is no suitable condition for elections to take place as the country faces security threats and the lack of the capacity and facilities for conducting four elections in a year.

In March, the United States proposed a peace plan that calls for the current Afghan government to be replaced with an interim administration until a new constitution is agreed and elections held, while a joint commission monitors a ceasefire. The plan also suggests the parliament be expanded to include Taliban members or suspended until after the election.

The Reuters news agency reported that Afghan President Ashraf Ghani intends to propose a new presidential election within six months under a peace plan. Under the plan, the first phase will be a consensus on a political settlement and ceasefire with international monitors. The second phase will be holding a presidential election and the establishment of a “government of peace”. The third phase will involve building a “constitutional framework, reintegration of refugees and development” for Afghanistan moving forward.

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<https://unama.unmissions.org/killing-human-rights-defenders-and-media-professionals-afghanistan-%E2%80%93-new-un-report>

Bangladesh

Bangladesh remains one of the most repressive countries in Asia. The Bangladeshi government has consistently targeted dissidents with the Digital Security Act 2018, the Special Powers Act 1974, and other draconian laws, and further entrenched authoritarian rule during the COVID-19 pandemic. Security forces have continued to commit enforced disappearances, extrajudicial killings, and torture with impunity.

In February, writer Mushtaq Ahmed who was held in pre-trial arbitrary detention for nine months under the Digital Security Act of 2018 was found dead in the prison. Activists and opposition parties took to the streets to demand justice for Ahmed but faced violent crackdowns by police, causing hundreds of protesters injured, dozens detained, and several others accused of charges, including attempted murder.



Activists and students demonstrate against writer Mushtaq Ahmed's death in police custody in Dhaka on 26 February 2021. (Photo: AP Images)

In March, a series of protests across Bangladesh organized by political and civil society groups were attacked by police and members of the ruling Awami League party. The authorities also deployed the Bangladesh Border Guard (BGB) in several places to quell the protests. As a result of the BGB and the police's failure to protect the protesters from being attacked and the use of unlawful force, hundreds of largely peaceful protesters were injured, at least 14 were killed, and dozens were arrested.

In addition to the crackdowns, the authorities have also restricted high-speed internet access and blocked access to social media platforms, including Facebook and Messenger from 26 March evening to 30 March evening without any formal notice, in contravention of the right to freedom of expression and hindering the ability of people to organize protests and report human rights violations.

In the aftermath of the protests, at least five opposition activists were allegedly forcibly disappeared. Law enforcement agencies failed to acknowledge their fate and whereabouts and denied the activists were held in custody. After more than 24 hours of incommunicado detention, four of them were presented before the court and charged with violence, and one was freed after more than 80 hours of his disappearance. In addition, other activists who have been detained also raised allegations of torture and ill-treatment while in custody.

Hong Kong

Hong Kong saw the growing crackdown on the pro-democracy movement under the National Security Law (NSL) era. In January 2021, 53 organizers and participants to the July 2020 pro-democracy primaries were arrested. 47 of them were later charged with “conspiracy to commit subversion”. Since the enactment of the NSL, a total of 105 individuals have been arrested for alleged NSL crimes, and 56 were officially charged in court.



Crowds gathered outside West Kowloon district court on 1 March 2021 when 47 pro-democracy activist were charged under the NSL. (photo: The Stand News)

The city also witnessed another dark day on 1 April when nine prominent pro-democracy activists were convicted of unlawful assembly relating to the peaceful protest in Hong Kong in 2019. Media tycoon Jimmy Lai and veteran politician Martin Lee were among those found guilty of organizing an unauthorized march.

In March, China adopted a resolution on “improving the electoral system of Hong Kong”, which authorized the amendment of the procedures for the chief executive and Legislative Council (LegCo) elections in the Hong Kong Basic Law. The major changes include expanding the Election Committee

from 1,200 to 1,500 members, increasing the size of LegCo from 70 to 90 seats but reducing the number of directly elected LegCo members from 35 to 20, and all prospective LegCo candidates will now have to go through two rounds of vetting by the pro-Beijing Election Committee and a new screening committee before they can run. The new changes will effectively dilute the influence of the pro-democracy camp in the political arena.

Following the passing of the resolution, Hong Kong Chief Executive Carrie Lam said on 30 March that the government expects to hold LegCo elections in December 2021. The election was originally scheduled for 5 September 2020 but was postponed for a whole year to 5 September 2021 due to a spike in coronavirus cases.

The Hong Kong government officially introduced an oath-taking requirement bill to the legislature, which will require district councilors to swear allegiance to the city and vow to uphold the Basic Law. Those who are deemed in breach of the oath will be ousted from their posts and barred from standing in the relevant elections for five years. Earlier in February, the Hong Kong government also proposed a new law that would give immigration officials the power to stop anyone from leaving the city.