



Monthly Brief on Countries under Restrictive Environment

Series #7: Bangladesh, Cambodia, Myanmar & Hong Kong

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Introduction

This monthly brief intends to provide an update on democracy and civil and political rights issues in selected countries and territories under a restrictive environment.

Bangladesh

On 14 October, the Election Commission of Bangladesh announced that the third phase of the union parishad (UP) elections would be held on 28 November, which involves 1,007 UPs across the country. The elections of 10 municipalities will also be held on the same day.¹

The first phase of the UP elections was held in 204 UPs on 21 June and 160 UPs on 20 September and the second phase of the elections will be in 848 UPs on 11 November. However, incidents of violence in the lead-up to the 11 November elections were reported in different parts of the country, causing at least four killed and more than forty injured throughout the month^{2 3}.

The absence of laws regarding the appointment process of the election commission (EC) has become an issue again as the incumbent will complete its five-year term in February 2022. Therefore, NGO Sushasoner Jonno Nagorik (Shujan) prepared a draft law that proposes a six-member search committee led by a retired chief justice and that the president appoints commissioners skilled in running an administration and those who are honest, righteous, neutral, and have knowledge of legal matters⁴. However, Law Minister Anisul Huq said enacting such a law is not possible now because of time constraints and the COVID-19 pandemic⁵.

Bangladesh Congress, a political party in Bangladesh, filed a writ petition at the High Court to seek its directive on the authorities to formulate a law for the formation of the EC. However, the court rejected the petition on 31 October, saying that “the court cannot direct the parliament to formulate any law”⁶.

¹ <https://www.thedailystar.net/news/bangladesh/elections/news/third-phase-elections-nov-28-2198601>

² <https://www.dhakatribune.com/bangladesh/nation/2021/10/15/4-killed-in-clash-over-up-election-in-magura>

³ <https://www.thedailystar.net/news/bangladesh/elections/news/election-25-hurt-pre-polls-violence-2210126>

⁴ <https://www.thedailystar.net/news/bangladesh/news/enact-specific-law-pick-cec-ecs-2190726>

⁵ <https://www.thedailystar.net/news/bangladesh/elections/news/no-time-make-law-ec-formation-2193176>

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<https://www.dhakatribune.com/bangladesh/2021/10/31/plea-seeking-order-on-law-to-form-election-commission-scrapped>

Cambodia

As the 2022 Commune and Sangkat Council Elections approach, the National Election Committee (NEC) said it had distributed invitations to nearly eight million, or nearly 90 percent of the voters on the 2020 voter list to verify their status on the 2021 voter list⁷. The voter list verification and registration process is conducted from 12 October to 30 November. The NEC also announced that as of 12 October, there were about 10.5 million registered voters. Of them, 1.6 million were new voters⁸.

Another former CNRP lawmaker Khim Laky who just regained political rights in August after undergoing "rehabilitation" is seeking to form a new party named National Future Party⁹. This will be the seventh new party split from the CNRP after the formation of the Khmer Will Party, Cambodia National Love Party, Khmer Conservative Party, Cambodia Reform Party, Cambodia National Heart Party, and Kampucheaniyum Party that are eyeing to run in the upcoming elections.



(photo: six newly formed opposition parties that split from the CNRP: Khmer Will Party, Cambodia National Love Party, Khmer Conservative Party, Cambodia Reform Party, Cambodia National Heart Party and Kampucheaniyum Party.)

⁷ <https://www.phnompenhpost.com/national-politics/nearly-8-million-people-get-invitations-verify-voter-list>

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<https://www.khmertimeskh.com/50950392/nearly-ten-and-a-half-million-voters-registered-for-commune-elections/>

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<https://www.khmertimeskh.com/50962216/split-no-seven-ex-cnrp-lawmaker-seeks-to-form-another-new-party/>

On 25 October, Cambodia's parliament passed a constitutional amendment to bar anyone with dual citizenship from holding the country's top posts, including that of prime minister¹⁰. It is an apparent move by the Cambodian government to prevent key opposition leaders from taking the leadership roles, especially former CNRP leader Sam Rainsy who holds both Cambodian and French citizenships.

On 26 October, three former lawmakers from the court-dissolved Cambodia National Rescue Party (CNRP) who have fled the country, namely Ho Van, Ou Chanrith, Kong Sophea and Seng Mengbunrong, and another party member were sentenced to two years in prison¹¹. They were charged for "inciting social chaos" during their participation in demonstrations demanding the release of union leader Rong Chhun in August 2020. The court also sentenced 15 former CNRP senior officials and activists to prison for 20 months to two years each for allegedly "creating public disorder" while protesting the arrest of Rong Chhun¹².

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<https://www.reuters.com/world/asia-pacific/cambodia-passes-law-barring-dual-citizenship-holders-top-posts-2021-10-25/>

¹¹ <https://www.phnompenhpost.com/national-politics/ex-cnrp-lawmakers-get-jail-term>

¹² <https://www.khmertimeskh.com/50959639/protesters-jailed-from-20-months-to-two-years/>

Hong Kong

The month of October saw the second conviction under the National Security Law since its enactment in June 2020. Ma Chun-man was convicted of “inciting secession” for chanting and posting pro-Hong Kong independence slogans in public and on social media on at least 20 occasions last year¹³. More than 150 people have been arrested under the National Security Law as of October 2021. Among them, 100 people have been formally charged¹⁴.

On 16 October, seven pro-democracy activists were sentenced to 6 to 12 months in jail for organising a protest against the National Security Law on 1 July 2020. The activists included Figo Chan, a former convenor of the now-disbanded Civil Human Rights Front (CHRF); Tsang Kin-shing and Tang Sai-lai of the League of Social Democrats; former district councillor Andy Chui; and former legislators Wu Chi-wai, Eddie Chu and Leung Kwok-hung¹⁵.

In October, more civil society groups decided to disband amid the pressure under the National Security Law. On 7 October, the student union of the Chinese University of Hong Kong announced its dissolution¹⁶. On 25 October, human rights NGO Amnesty International also announced that it would close its offices in Hong Kong by the end of the year, citing the difficulty to work under the National Security Law. Its local office will cease operation on 31 October while the regional office will be moved to the other offices in the Asia Pacific region¹⁷.

Following the oath-taking ceremonies of district councillors that aimed to oust those who are deemed “unpatriotic”, 49 district councillors were disqualified and banned from running in elections for the next five years with no explanation provided. Over 260 district councillors resigned earlier due to the rumours that those who are disqualified will have their salary and benefits recouped, leaving only a small fraction of pro-democracy councillors in office¹⁸.

The nomination period for the 2021 Legislative Council (LegCo) elections started on 30 October and will last until 12 November¹⁹. The Democratic Party, Hong Kong's largest pro-democracy

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<https://hongkongfp.com/2021/10/25/breaking-hong-kong-court-convicts-under-security-law-for-inciting-secession-with-chants-and-speeches/>

¹⁴

<https://www.reuters.com/world/asia-pacific/seven-hong-kong-activists-jailed-over-unauthorised-protest-2020-2021-10-16/>

¹⁵ Ibid.

¹⁶ <https://www.facebook.com/CUHK.SU/posts/4661717883890584>

¹⁷ <https://www.amnesty.org/en/latest/news/2021/10/amnesty-international-to-close-its-hong-kong-offices/>

¹⁸

<https://hongkongfp.com/2021/10/21/16-more-hong-kong-democratically-elected-district-councillors-ousted-over-loyalty-oaths-as-democrats-left-in-the-minority/>

¹⁹

<https://www.thestandard.com.hk/breaking-news/section/4/181298/Nominations-for-Legco-election-to-start-on-October-30>

party, said it will not contest in the upcoming legislative council (LegCo) elections in December as none of its members met the party's application deadline²⁰. Most of the city's pro-democracy parties have also either disbanded or seen their leadership arrested or prosecuted.

On top of the National Security Law, Hong Kong's LegCo passed a new film censorship law in October that further curbs freedom of expression. The new law empowers the chief secretary to ban films that are deemed to violate China's national security interests. Under the law, offenders could be imprisoned for up to three years and fined HK\$1 million (USD 130,000).

²⁰ <https://hongkongfp.com/2021/10/11/hong-kongs-democratic-party-shuns-patriot-only-election/>

Myanmar

The ASEAN summit was conducted on 26-28 October without Myanmar's junta representative as the junta leaders were excluded and it refused to send junior representation. The junta also expressed their disappointment and objection towards the outcomes of the emergency ASEAN foreign ministers' meeting that was held on 15 October as the decision was done without consensus and was against the objectives of the ASEAN, the ASEAN Charter and its principles. Failure to implement a reconciliation plan agreed at a previous ASEAN special meeting in April was why ASEAN refused junta leader Senior General Aung Min Hlaing to attend the meeting.

The junta-appointed Union Election Commission (UEC) made an open call for the political parties, CSOs and other interested stakeholders to register for a meeting that will be conducted in early November to discuss the proposed proportional representation electoral system. On the other hand, the UEC instructed its sub-commissions to take action against individuals who cast two or more ballots using the same citizenship card in the 2020 General Elections.

Following the junta's army reinforcements of around 3,000 soldiers to the country's most restive regions, Sagaing and Magway Regions and Chin State, to conduct clearance operations against civilian resistance forces, troops bombarded the Chin State town of Thantlang, more than 160 homes, and two of Thantlang's churches. The junta also accused anti-coup fighters of attacking the town of Thantlang in Chin State after security forces had clashed with their fighters.

The junta abolished the publisher's license of Delta News Agency, according to the responsible person from the media. According to Myanmar Press Freedom In-Depth (MPFI-D), 17 journalists were released in an amnesty made by the junta on 18 October and 35 are still in detention. The American journalist at Frontier Myanmar who has spent four months in military detention, Danny Fenster, has been charged with a second criminal offence under the Unlawful Associations Act.

Protests continued in different parts of Myanmar despite the crackdown by the junta over the week. The clashes between the junta forces and the civil resistance fighters or Ethnic Armed Organizations also emerged in all states and regions except Rakhine State. The Chair of Kachin Independence Organization (KIO) said it would join hands with any anti-junta organisations to put an end to the dictatorship as it would be more difficult to uproot Burmese ethnocentrism and the military junta in the future.

The parallel National Unity Government (NUG) formed the Central Command and Coordination Committee (C3C), including leaders from the NUG and EAOs to engage with civilian resistance groups across the country to fight against the junta.

As of 30 October, the Assistance Association for Political Prisoners (AAPP) recorded that 1,222 people have been killed by the junta since the coup. 7,024 people are currently under detention, and 300 are sentenced. 65 have been sentenced to death and 1,954 are evading arrest warrants.

More detailed weekly updates on the post-coup situation in Myanmar compiled by ANFREL can be accessed at <https://myanmar.anfrel.org/en/news>.