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MYANMAR MILITARY MUST STOP RESUMPTION OF THE DEATH PENALTY

Asia Justice Coalition strongly condemns the issuance of death sentences against four Myanmar nationals by a non-independent military tribunal. Kyaw Min Yu (Ko Jimmy), a veteran democracy activist, and Phyo Zayar Thaw, a former MP of the National League for Democracy were sentenced to death in January 2022 by a military tribunal for the alleged charges of ‘treason and terrorism’ under the Counterterrorism Law of 2014. Hla Myo Aung and Aung Thura Zaw were convicted for allegedly killing a military informer.

On 4 June, the [military spokesperson confirmed](#) that the appeal filed against the death sentence by both the Kyaw Min Yu and Phyo Zayar Thaw has been rejected by the Supreme Court. Consequently, the execution is expected to proceed even though no date has yet been indicated. If the executions go ahead, they will be the first death sentences to have been carried out in more than three decades, with the last reported execution in 1988.

Since the 1 February 2021 coup, the Myanmar military has committed [widespread and systematic attacks against civilians across the country](#) amounting to crimes against humanity, including extrajudicial killings, enforced disappearance, torture and ill-treatment, including rape and other sexual violence. The suspension of the writ of *habeas corpus* which must be available at all times to challenge the lawfulness of detentions and arrests consolidates the impunity of the military junta. Besides the use of unnecessary, excessive and lethal force against the protestors, the Myanmar military has charged individuals under draconian laws, suppressing the exercise of their fundamental rights and freedoms. The imposition of a state of emergency and the declaration of martial law have been accompanied by the assumption of jurisdiction by military courts over civilians, and permits the award of death sentences, in violation of international law. The [military courts function under the control of the Myanmar junta](#) and they are not competent, independent or impartial. The legal proceedings before these military courts are closed and there is little access to legal aid for the accused.

The Myanmar military has filed false charges and initiated sham legal proceedings against numerous persons, in particular those vocal against the military junta. This abuse of judicial process in order to silence the exercise of freedom of expression, including dissent, in Myanmar violates international human rights law, including due process and fair trial guarantees. According to the Assistance Association for Political Prisoners (Burma), 114 individuals, including two children [have been sentenced to death](#) by the military courts since the last year’s coup.

The [United Nations Secretary-General](#) has characterized the decision to execute these four persons, as a blatant violation of human rights. Similarly, [Canada](#), the [United States](#), and [France](#) have condemned the attempt to revive the death penalty in Myanmar. Any such execution conducted by the Myanmar military stands to carry a chilling effect on the exercise of human rights and fundamental freedoms in the country.

The UN General Assembly, in repeated resolution with overwhelming majorities, has called on States that retain the death penalty to declare an immediate moratorium on its use, with a view to abolition. The decision to do the opposite and resume executions after a 34-year hiatus, is an impermissible retrogressive measure that contravenes the right to life and prohibition of cruel, inhuman or degrading treatment

The Asia Justice Coalition demands that the planned execution of Kyaw Min Yu, Phyo Zayar Thaw, Hla Myo Aung and Aung Thura Zaw be stopped immediately, the charges and conviction against them be nullified and that they be released immediately.
