

# PARLIAMENTARIANS AT RISK

Reprisals against opposition MPs  
in Southeast Asia in 2022

 ASEAN PARLIAMENTARIANS  
FOR HUMAN RIGHTS

 Hanns  
Seidel  
Foundation





# ASEAN PARLIAMENTARIANS FOR HUMAN RIGHTS

APHR is a regional network of current and former parliamentarians who use their unique positions to advance human rights and democracy in Southeast Asia. We seek to help create a region where people can express themselves without fear, live free from all forms of discrimination and violence, and where development takes place with human rights at the forefront.

Our members use their mandate to advocate for human rights inside and outside of parliaments, regionally and globally. They work closely with civil society, conduct fact-finding missions, and publish recommendations and opinions on important issues affecting the region.

APHR was born out of the recognition that human rights issues in Southeast Asia are interconnected, and from the desire of progressive legislators to work together across borders to promote and protect human rights.



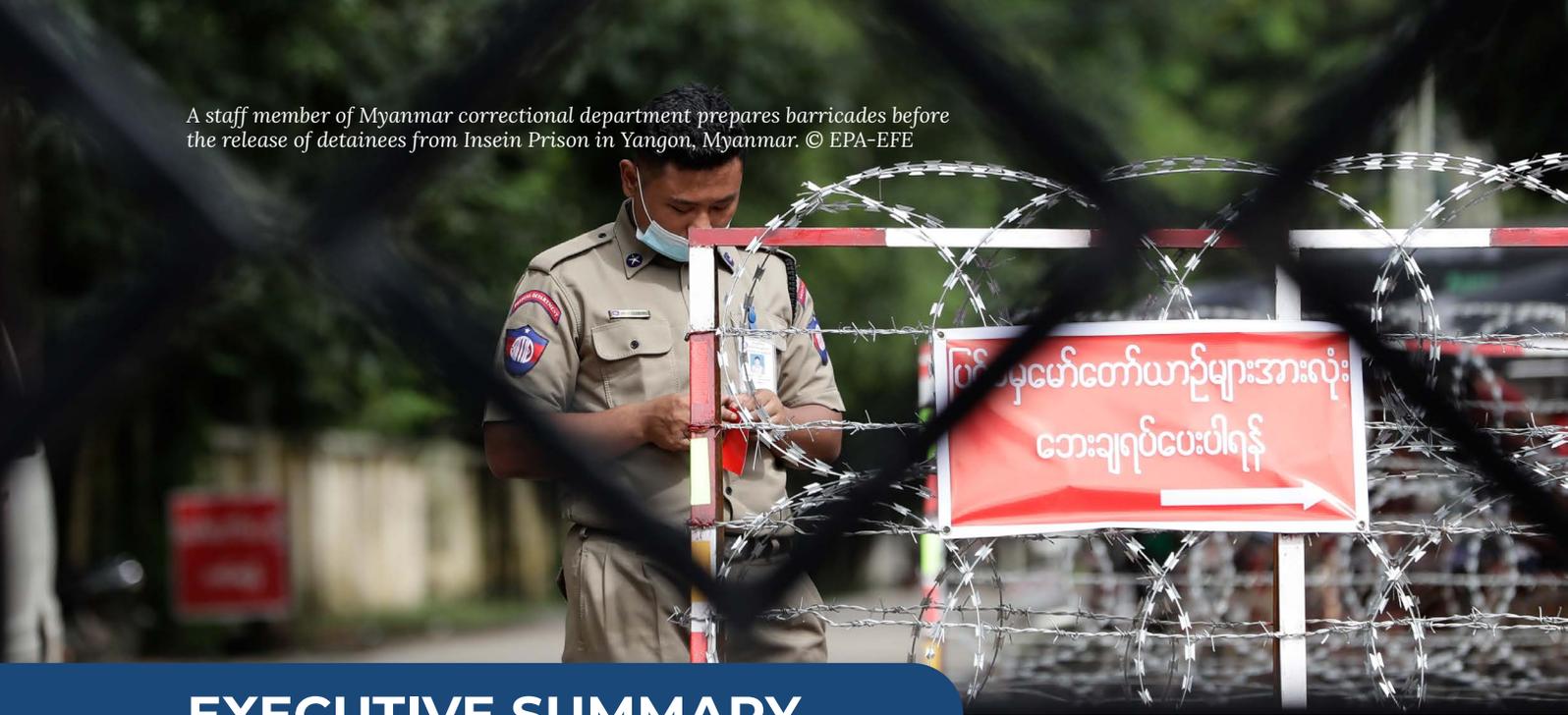
**Hanns  
Seidel  
Foundation**

The Hanns Seidel Foundation (HSF) is a German Political Foundation. It is mandated by the German Parliament to promote democratic and sustainable structures worldwide. This mandate involves strengthening institutions, individuals, procedures and standards, as well as building the requisite attitudes, towards that end.

First published in 2023 by ASEAN Parliamentarians for Human Rights (APHR) ©APHR2023  
All rights reserved, this publication is copyright but may be reproduced by any method  
without fee for advocacy, campaigning, teaching purposes but not for resale.

#### **Cover page description**

Phyo Zeya Thaw leaves after a regular parliament session at Union Parliament in Naypyitaw, Myanmar, 01 December 2015 (reissued 25 July 2022). According to Myanmar state run media, Phyo Zeya Thaw, a hip-hop singer and former law maker of National League for Democracy (NLD) party, was executed for crimes related to the Counter-Terrorism Law and Penal Code. Three other activists, accused of masterminding the resistance and attacks against the regime, were also allegedly executed. EPA-EFE/STRINGER



## EXECUTIVE SUMMARY

The year 2022 saw a worsening trend for parliamentarians at risk in the region, particularly in Myanmar. One lawmaker **was tortured to death in detention and a former lawmaker was executed** together with three political prisoners in Myanmar. The **number of parliamentarians detained across Southeast Asia remains high at 85, with 84 in Myanmar** and former senator Leila de Lima in the Philippines.



Increased reports of widespread crimes against humanity, war crimes and the use of **torture and ill-treatment against political prisoners in Myanmar** posed an imminent threat to the mental and physical

integrity of all detained lawmakers. This dire state of crisis warrants urgent and effective interventions from the international community.

Human rights restrictions and violations against parliamentarians, **by using emergency laws and regulations declared during the COVID-19 pandemic**, continued despite the pandemic being gradually brought under control in most countries.

**Judicial harassment** continued as the main form of threat confronted by parliamentarians and former parliamentarians in Thailand, Malaysia, and the Philippines, and intensified in Cambodia with a series of mass trials of opposition leaders and supporters ahead



of the commune elections in 2022 and the general elections in 2023.

Parliamentarians across the region were also increasingly subjected to intimidation and harassment in the form of **online disinformation, hate speech and attacks**, particularly in the Philippines and Malaysia before and during national

elections. **Online misogynist attacks were prevalent in the Philippines and they intensified in the elections to undermine the credibility of women lawmakers and candidates, especially those who were known to be vocal in holding the powers-that-be accountable.**

---

## INTRODUCTION

---

Lawmakers in the region have been increasingly at risk in recent years, with a deterioration of human rights safeguards and the shrinking of the democratic space in most countries. They are often being targeted, in particular those from the opposition, for carrying out their mandate to speak for the people and perform oversight of the government. The aim of this briefing from ASEAN Parliamentarians for Human Rights (APHR) is to provide an overview of human rights abuses against elected lawmakers in Southeast Asia.

The overall findings of 2022 are gruesome and highly alarming. While this is largely due to the political crisis in Myanmar turning from bad to worse since the military coup, conditions for lawmakers in other countries such as Thailand and Malaysia have not improved either. In fact, lawmakers in Cambodia and the Philippines faced greater risk in the period leading up to their commune elections and national elections respectively.

APHR is saddened and outraged to report

the gravest development in the year: the torture and extra-judicial killing of lawmaker Kyaw Myo Min and the execution of former lawmaker Phyo Zayar Thaw, together with three other political prisoners, Ko Jimmy, Hla Myo Aung, and Aung Thura Zaw, by the Myanmar junta. The number of detained lawmakers across the region in 2022 stands at 85, only a slight reduction from 91 in 2021. Of the 85 detained lawmakers, 84 are lawmakers of Myanmar while the remaining one is former senator Leila de Lima in the Philippines.

## METHODOLOGY

---

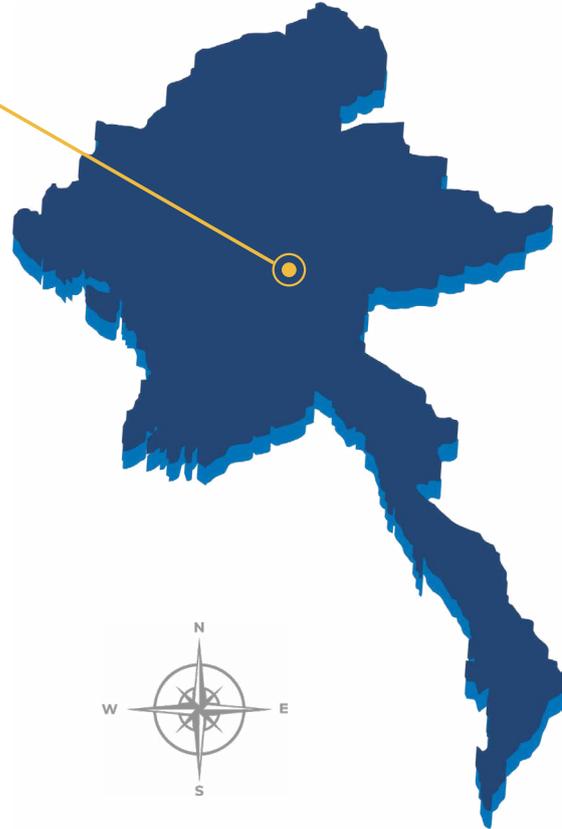
This briefing is based on an extensive desk review of existing literature, including reports by civil society organizations, various United Nations bodies and other human rights groups, as well as academic research and credible media reports. It is also based on interviews with current and former lawmakers throughout the region. APHR has, where relevant, relied on analysis of official court documents and police records in documenting the cases. APHR wishes to thank those lawmakers and others who contributed to this briefing by offering their time and insights. On occasion, names of those interviewed have been withheld to protect their safety.

This briefing is part of APHR's efforts to document attacks on lawmakers in Southeast Asia and to ensure that lawmakers can exercise their mandates free of interference. It builds on previous reports including *Death Knell for Democracy: Attacks on Lawmakers and the Threat to Cambodia's Institutions* (March 2017), *In the Crosshairs of the Presidency: Attacks on Opposition Lawmakers in the Philippines* (June 2019), *Parliamentarians at Risk: Reprisals against Opposition MPs in Southeast Asia* (September 2020) and *Parliamentarians at Risk: Reprisals against Opposition MPs in Southeast Asia* (December 2021).

## ACKNOWLEDGEMENTS

APHR would like to extend its special thanks to Yap Swee Seng, who conducted the research and drafted the report. This research and report were made possible thanks to the support of the Hanns Seidel Foundation.

# MYANMAR



► The national, regional, and state parliaments remain suspended since the military coup in February 2021 that ousted the NLD elected government. 84 members of the national and sub-national parliaments remain in detention, facing not only the risk of torture in prison but also possible risk of execution following the executions of four pro-democracy activists, including a former lawmaker. Most ousted parliamentarians continue their work in hiding and are at risk of detention or even death. Some had their family members harassed and their properties seized by the junta.



Released detainees greet their friends and relatives from the bus as they come out from the Insein prison in Yangon, Myanmar. © EPA-EFE

# Extension of emergency and suspension of parliament to 2023

---

On 1 February 2021, the Myanmar military (known as Tatmadaw or Sit-Tat) staged a coup and overthrew the elected government of the National League for Democracy (NLD), which had won about 83 percent of seats in the November 2020 general election.<sup>1</sup> A one-year state of emergency was declared and all executive, legislative, and judicial powers transferred to the Commander-in-Chief, General Min Aung Hlaing.<sup>2</sup> The State Administrative Council (SAC) was established as the interim ruling body. The Tatmadaw justified the coup on allegations of massive fraud in the 2020 general election – a claim rejected by the Union Election Commission (UEC),<sup>3</sup> while independent observers said the outcome of the election was “by and large, representative of the will of the people of Myanmar.”<sup>4</sup> The Tatmadaw also promised to have new elections after one year of emergency.<sup>5</sup>

In July 2021, the junta newly-appointed UEC annulled the 2020 election results, effectively stripping all members of parliament of their seats.<sup>6</sup> In 2022, the junta extended the emergency twice, first on 1 August 2021 and second on 1 August. With the emergency rule recently extended for another six months, until August 2023, in the latest announcement, the military had reneged on its own promise to hold elections one year after the coup.<sup>7</sup> The national parliament (Pyidaungsu Hluttaw) remains suspended to this day, with no legislative oversight on the military junta.

On 14 September 2022, General Min Aung Hlaing said that the general election slated to be held in 2023 will depend on whether there is peace, economic recovery, and political stability – a statement widely seen as an indication that the junta may further prolong its military rule and delay the election.<sup>8</sup> In any case, diverse groups, including APHR, have repeatedly warned that an election organized by the Myanmar junta cannot possibly be free and fair and it will only serve to deepen the crisis in the country.<sup>9</sup>

- 
1. *New York Times*, Myanmar's coup and its aftermath, explained, 9 December 2022, available at <https://www.nytimes.com/article/myanmar-news-protests-coup.html>
  2. Reuters, Statement from Myanmar military on state of emergency, 1 February 2021, available at <https://www.reuters.com/article/us-myanmar-politics-military-text-idUSKBN2A11A2>.
  3. Radio Free Asia, Myanmar election authority rejects military claims of election fraud, 28 January 2021, available at <https://www.rfa.org/english/news/myanmar/election-fraud-01282021184631.html>
  4. BBC, Myanmar election: No evidence fraud in 2020 vote, observers say, 17 May 2021, available at <https://www.bbc.com/news/world-asia-57144397>
  5. *The Straits Times*, Myanmar army pledges new elections after one-year state of emergency, ; Suu Kyi urges public to protest, available at <https://www.straitstimes.com/asia/se-asia/myanmar-leader-aung-san-suu-kyi-detained>
  6. Global New Light of Myanmar, Announcement on annulment of Nov 8 Multiparty General Election results, 27 July 2021, available at [http://cdn.myanmarseo.com/file/client-cdn/2021/07/27\\_July\\_21\\_gnlm.pdf](http://cdn.myanmarseo.com/file/client-cdn/2021/07/27_July_21_gnlm.pdf).
  7. *The Bangkok Post*, Myanmar State of emergency Extended, 1 February 2021, available at <https://www.bangkokpost.com/world/2496626/myanmar-state-of-emergency-extended>
  8. *The Irrawaddy*, Myanmar junta leader hints at possible delay in 2023 election, 14 September 2022, available at <https://www.irrawaddy.com/news/burma/myanmar-junta-leader-hints-at-possible-delay-in-2023-election.html>
  9. See International Crisis Group, Myanmar: Post-Coup Crisis and a Flawed Election, 31 January 2023, available at <https://www.crisisgroup.org/asia/south-east-asia/myanmar-post-coup-crisis-and-flawed-election> and Charles Santiago, Indonesia should lead the way in helping Myanmar's pro-democratic movement, *The Jakarta Post*, 3 February 2023, available at <https://www.thejakartapost.com/opinion/2023/02/03/indonesia-should-lead-the-way-in-helping-myanmar-pro-democratic-movement.html>

The NLD rejected the coup as illegal and going against the will of voters. About 300 ousted parliamentarians formed the Committee Representing the Pyidaungsu Hluttaw (CRPH) to carry out the functions of parliament. In April 2021, it was established the National Unity Government (NUG), composed of ousted members of parliament, ethnic minority representatives, and members of civil society.<sup>10</sup> Both the CRPH and the NUG were declared as “terrorist groups” by the military junta.<sup>11</sup> In November 2022, the NUG said the election planned by the junta was illegal and called on people to reject it.<sup>12</sup>

The coup sparked civil disobedience movements nationwide, joined by millions from all walks of life. The military junta responded with brute force and has committed gross human rights violations on a large scale, including arbitrary detentions,<sup>13</sup> beatings, shootings, and killings of protesters. As of 31 December 2022, at least 2,688 were killed by the military, including women and children, and 13,217 remain in detention. Hundreds of thousands have been displaced by armed clashes between the military and the People’s Defense Forces of the NUG, and ethnic resistance groups, bringing the total number of internally displaced persons in the country to 1.4 million, including those displaced by conflicts predating the coup. Thousands fled to neighboring countries as refugees.<sup>14</sup> Myanmar’s ranking in the

Economist Intelligence Unit’s Democracy Index dropped from 135<sup>th</sup> in 2020 to 166<sup>th</sup> in February 2022 and became the second least democratic country out of 167 countries surveyed.<sup>15</sup>

In March 2022, United Nations (UN) revealed, in its first comprehensive report on human rights in Myanmar since the coup, that the Myanmar military has engaged in systematic human rights violations, many amounting to war crimes and crimes against humanity. The UN High Commissioner for Human Rights at the time, Michelle Bachelet, said the security forces have shown a flagrant disregard for human life, using air raids and heavy weapons on populated areas and deliberately targeting civilians; many victims were shot in the head, burned to death, arrested arbitrarily, tortured, or used as human shields.<sup>16</sup>

The Association of Southeast Asian Nations (ASEAN) reached an agreement with the junta in April 2021 and adopted the Five Point Consensus, which called for immediate cessation of violence, constructive dialogue to end the crisis, a special envoy to facilitate mediation of dialogue, visits of the special envoy to Myanmar, and delivery of humanitarian assistance; however, there has been little progress in its implementation.<sup>17</sup> During the chairmanship of ASEAN in 2022 under Cambodia, Prime Minister Hun Sen, and Foreign Minister Prak Sokhonn as ASEAN

- 
10. Myanmar Now, CRPH announces lineup of interim ‘national unity government’, 16 April 2021, available at <https://myanmar-now.org/en/news/crph-announces-lineup-of-interim-national-unity-government>
  11. Reuters, Myanmar’s junta brands rival government a terrorist group, 8 May 2021, available at <https://www.reuters.com/world/asia-pacific/myanmars-junta-brands-rival-government-terrorist-group-2021-05-08/>
  12. DVB, NUG minister calls to reject junta’s election, Regime claims 1,000 students enrolled in med school, 7 November 2022, available at <https://english.dvb.no/nug-minister-calls-on-public-to-reject-juntas-elections-regime-claims-over-1000-students-enrolled-in-schools/>
  13. Assistance Association for Political Prisoners, Graphs of arrest and death data as of December 31, 2022 since the February 1, 2021 military coup, 2 January 2023, available at <https://aappb.org/?p=23826>.
  14. New York Times, Myanmar’s coup and its aftermath, Explained, 9 December 2022, available at <https://www.nytimes.com/article/myanmar-news-protests-coup.html>
  15. The Irrawaddy, Myanmar ranked second least democratic nation in the world, 10 February 2022, available at <https://www.irrawaddy.com/news/burma/myanmar-ranked-second-least-democratic-nation-in-world.html>
  16. Al-Jazeera, UN accuses Myanmar army of war crimes, torture, killings, 15 March 2022, available at <https://www.aljazeera.com/news/2022/3/15/myanmar-army-engaged-in-torture-killings-war-crimes-un-says>
  17. Al-Jazeera, ASEAN demands ‘immediate cessation of violence’ in Myanmar, 24 April 2022, available at <https://www.aljazeera.com/news/2021/4/24/myanmar-coup-leader-in-jakarta-for-southeast-asian-summit>

special envoy, visited Myanmar and met Min Aung Hlaing and other representatives of the SAC on several occasions, with no tangible outcomes in stopping the

atrocities committed by the junta or mediating any dialogue. They also failed to meet with any member of the NUG, or the detained NLD leader Aung San Suu Kyi.<sup>18</sup>

## Arbitrary detention, bogus trials, and long jail term sentences

Ousted parliamentarians, especially for those who are supporting democracy movements and are involved in the NUG and the CRPH, have been operating under extremely difficult and dangerous circumstances, in hiding or on the run, with the military determined to crush any anti-coup activities.

According to the Assistance Association for Political Prisoners (AAPP), as of 31 December 2022, a total of 84 national and sub-national lawmakers were still in detention, 71 men and 13 women. Out of them, 19 of them were members of the Lower House (Pyithu Hluttaw) of the national parliament, six were members of the Upper House (Amyotha Hluttaw) of the national parliament, and 59 were members of regional and state parliaments. 83 of them were lawmakers of the NLD and the remaining one was from the Mon Unity Party.<sup>19</sup>

Bo Bo Oo, a Yangon regional parliamentarian of the NLD, said that, as of 12 January 2023, there were 1,218 NLD members arrested since the military coup; among them, 1,048 were male and 170 were female. In an interview with APHR, he said that an increasing number of lawmakers

fled to the border areas of Thailand and India for safety.



*They continue to work as lawmakers at the borders, however, conditions are not ideal, including food, accommodation, and communication. Urgent humanitarian assistance is needed so that these lawmakers can work more effectively.<sup>20</sup>*

*Bo Bo Oo,  
Member of National League for  
Democracy's Yangon Region Hluttaw*

The regime relied on various repressive laws to justify these arbitrary arrests and detentions, including the Telecommunication Law, the Official Secrets Act, the Unlawful Associations Act, and Sections 505(A) and 505(B) of the Penal Code that criminalize free speech. The NLD rejected these arrests and detentions as illegal and carried out by an illegal regime.<sup>21</sup> On 24 August 2022,

18. Al-Jazeera, *Why is the Myanmar crisis such a challenge for ASEAN?*, 3 August 2022, available at <https://www.aljazeera.com/news/2022/8/3/why-is-the-myanmar-crisis-such-a-challenge-for-asean>

19. APHR's interview with AAPP, 14 January 2023.

20. APHR's interview with Bo Bo Oo, member of parliament for Yangon Regional Parliament, 13 January 2023.

21. RFA, *Three-Fourths of NLD members arrested since Myanmar coup still detained, says party*, 3 January 2022, available at <https://www.rfa.org/english/news/myanmar/detainees-01032022212032.html>

it was reported that the Anti-Corruption Commission had prosecuted 231 corruption cases from February 2021 to July 2022, and around 108 cases involved NLD lawmakers.<sup>22</sup>

Basic rights of those detained were often violated, from denying access to family members or lawyers to not knowing the charges they were facing, denial of bail and keeping them in long pre-trial detention.<sup>23</sup> The trials were done behind closed doors by military tribunals with disregard for basic human rights protections, international due process, and fair trial standards.<sup>24</sup> The sentences on conviction were often harsh and lengthy imprisonments.

**Aung San Suu Kyi** faced multiple charges, of which she denied all, since the military seized power in February 2021. On 6 December 2021, she and President **Win Myint** were first sentenced to four years in prison on charges of incitement and breaking Covid-19 regulations.<sup>25</sup> On 10 January 2022, the court handed her a two-year sentence under the Export-Import Law and a one-year sentence under the Telecommunications Law for importing and possessing walkie-talkies, allegedly in an illegal manner. She also received a two-year sentence under the Natural

Disaster Management Law for violating COVID-19 regulations.<sup>26</sup> On 27 April 2022, Aung San Suu Kyi was given another five-year imprisonment for corruption over allegations that she accepted bribes worth USD 600,000.<sup>27</sup> On 15 August 2022, Aung San Suu Kyi was sentenced to six years in prison for corruption.<sup>28</sup> On 2 September 2022, she and Win Myint were sentenced to three years in prison with hard labor for election fraud.<sup>29</sup> On 29 September 2022, Aung San Suu Kyi together with her economic advisor, the Australian national Sean Turnell, were convicted for violating the official secrets law and sentenced to three years in prison, in addition to the 20 years of prison sentences on other charges. On 12 October, Aung San Suu Kyi was sentenced to three years in prison again for allegedly accepting bribes from a businessman.<sup>30</sup> On 29 December 2022, Aung San Suu Kyi and President Win Myint were again found guilty on five counts of corruption and sentenced to seven years in prison. This brings the prison sentences for Aung San Suu Kyi to a total of **33 years**, a move widely seen as politically motivated by the military junta to keep her behind bars for life and remove her completely from politics.<sup>31</sup>

On 23 March 2022, NLD MP **Maung Maung Swe** was sentenced to two years in prison

- 
22. GNLM, 231 corruption cases filed from 1 February 2021 to end of July 2022, 24 Aug 2022, available at <https://www.gnlm.com.mm/231-corruption-cases-filed-from-1-february-2021-to-the-end-of-july-2022/>
  23. IPI-APHR, Time is not on our side, 2002, page 22, available at [https://aseanmp.org/wp-content/uploads/2022/10/IPI-APHR-final-report\\_Time-is-not-on-our-side\\_The-failed-international-response-to-the-Myanmar-coup.pdf](https://aseanmp.org/wp-content/uploads/2022/10/IPI-APHR-final-report_Time-is-not-on-our-side_The-failed-international-response-to-the-Myanmar-coup.pdf)
  24. HRW, Myanmar: Junta sentences 10 prisoners to death, 5 December 2022, available at <https://www.hrw.org/news/2022/12/05/myanmar-junta-sentences-10-prisoners-death>
  25. Myanmar Now, Junta sentences Suu Kyi, Win Myint to four years in prison each, 6 December 2021, available at <https://myanmar-now.org/en/news/junta-sentences-suu-kyi-win-myint-to-four-years-in-prison-each>
  26. ALTSEAN Burma, Coup Watch, January 2022, available at [https://docs.google.com/document/d/1HNid1ikgfioz6p7ZVurcpqW\\_xXIMfTx3meen1zV6RJo/edit](https://docs.google.com/document/d/1HNid1ikgfioz6p7ZVurcpqW_xXIMfTx3meen1zV6RJo/edit)
  27. The Guardian, Myanmar junta sentences Aung San Suu Kyi to five years for corruption, 27 April 2022, available at <https://www.theguardian.com/world/2022/apr/27/myanmar-junta-sentences-aung-san-suu-kyi-to-five-years-for-corruption>
  28. Reuters, Myanmar court jails Suu Kyi for six years for corruption, 15 August 2022, available at <https://www.reuters.com/world/asia-pacific/myanmar-court-sentences-suu-kyi-six-years-prison-corruption-cases-source-2022-08-15/>
  29. Radio Free Asia, Aung San Suu Kyi sentenced to a further three years on election fraud charge, 2 Sep 2022, available at [https://docs.google.com/document/d/1k-pa1MFjBAw0Pz4\\_Q\\_fjcdtCfmnZ7OANcmIDfE-YL10/edit](https://docs.google.com/document/d/1k-pa1MFjBAw0Pz4_Q_fjcdtCfmnZ7OANcmIDfE-YL10/edit)
  30. The Guardian, Aung San Suu Kyi faces total of 26 years in prison after latest corruption sentencing, 22 October 2022, available at <https://www.theguardian.com/world/2022/oct/22/aung-san-suu-kyi-faces-total-of-26-years-in-prison-after-latest-corruption-sentencing>
  31. Al-Jazeera, Myanmar court finds Aung San Suu Kyi guilty, adds 7 years in jail, 30 December 2022, available at <https://www.aljazeera.com/news/2022/12/30/court-in-myanmar-finds-aung-san-suu-kyi-guilty-again>

for allegedly inciting public servants to join the civil disobedience movements.<sup>32</sup> On 14 July 2022, NLD MP **Peter Aung** was sentenced to **life in prison** for terrorism.<sup>33</sup>

On 3 November 2022, a former NLD lawmaker **Win Myint Hlaing** of Magway region, was sentenced to 148 years in prison on terrorism charges. Adding to his sentence from previous conviction, his prison sentence would be a total of 173 years, the longest jail term handed out by the junta so far.<sup>34</sup>

On 24 November 2022, the regime sentenced three NLD lawmakers, **Than Htut Aung**, **Thein Tun** and **Aung Aung Oo** to 20 years in prison for treason and 'discrediting the State.'<sup>35</sup> On 28 November 2022, NLD lawmakers **Wai Lin Aung** and **Dr. Pyae Phyo Oo** received 26 years in prison plus hard labor for terrorism and treason.<sup>36</sup>

As a method of further intimidation, the junta also resorted to seizing properties. Some MPs had their house and properties raided or sealed off by the junta, as in the

case of **Sheng Mang** and **Yan Man**,<sup>37</sup> **Mi Cho Thae**, **Lin Tin Htay**, **May Win Myint**, **Thiri Yadanar**,<sup>38</sup> and deceased NLD MP **Htet Win Hlaing**.<sup>39</sup> In June 2022, the Institute for Strategy and Policy - Myanmar (ISP) stated that the military regime had seized 586 properties, of which 147 belonged to MPs.<sup>40</sup>

Family members of parliamentarians were also not spared from threats, harassment, arbitrary arrest, torture, and killings by the security forces. In the case of NLD lawmaker, **Phyu Phyu Thin**, junta forces ordered her 80-year-old mother to leave her Yangon house after they failed to find her.<sup>41</sup> On 7 March 2022, **Sai Wunna** was arrested together with his family after he came out of hiding and returned to his house to take care of his elderly and sick mother.<sup>42</sup> On 25 April 2022, junta forces arrested the brother of NLD MP **Zaw Zaw Aung** and his dead body was found in Maha Aungmye Township two days later.<sup>43</sup> On 18 June 2022, regime troops detained 25 relatives of NLD MP **Tun Tun Naing** after failing to arrest him.<sup>44</sup>

- 
32. Mizzima, National League for Democracy's MP sentenced to two years in prison, 25 March 2022, available at <https://www.mizzima.com/article/national-league-democracys-mp-sentenced-two-years-prison>
  33. Radio Free Asia, Six people, including an ousted NLD MP, sentenced to life in prison, 14 July 2022, available at <https://www.rfa.org/english/news/myanmar/six-people-including-an-ousted-nld-mp-sentenced-to-life-in-prison-07142022082642.html>
  34. Al-Jazeera, Myanmar court sentences ex-politician to 173 years in prison, 3 November 2022, available at <https://www.aljazeera.com/news/2022/11/3/myanmar-court-sentences-ex-lawmaker-to-173-years-in-prison>
  35. Radio Free Asia, Former NLD lawmaker sentenced to 26 years on anti-terrorism and treason charges, 28 November 2022, available at <https://www.rfa.org/english/news/myanmar/nld-lawmaker-sentenced-11282022043314.html>
  36. Myanmar Now, Myanmar junta sentences two MPs to 26 years in prison, 29 November 2022, available at <https://myanmar-now.org/en/news/myanmar-junta-sentences-two-mps-to-26-years-in-prison>
  37. ALTSEAN Burma, Coup Watch, January 2022, available at [https://docs.google.com/document/d/1HNld1ikgfioz6p7ZVurcpqW\\_xXIMfTx3meenIzV6RJo/edit](https://docs.google.com/document/d/1HNld1ikgfioz6p7ZVurcpqW_xXIMfTx3meenIzV6RJo/edit)
  38. ALTSEAN Burma, Coup Watch, February 2022, available at <https://docs.google.com/document/d/1BPgtfHmxs05XzdqaSvy4qKj0t39Te00zOh5b6-xtVqg/edit>
  39. Mizzima, Junta seals off deceased MP's house and factory, 4 April 2022, available at <https://mizzima.com/article/junta-seal-deceased-mps-house-and-factory>
  40. Radio Free Asia, Nearly 600 properties seized by junta over alleged ties to armed resistance, 8 June 2022, available at <https://www.rfa.org/english/news/myanmar/confiscations-06082022172537.html>
  41. The Irrawaddy, Myanmar junta starts seizing properties of activists' families, 7 March 2022, available at <https://www.irrawaddy.com/news/burma/myanmar-junta-starts-seizing-properties-of-activists-families.html>
  42. Shan News, NLD MP And Family Arrested During Early Dawn Raid In Ywar Ngan, 9 March 2022, available at <https://english.shannews.org/archives/24755>
  43. Mizzima, Military Council dumps NLD MP's brother body in Mandalay, 29 April 2022, available at <https://mizzima.com/article/military-council-dumps-nld-mps-brother-body-mandalay#:~:text=The%20Military%20Council%20arrested%20U,was%20close%20to%20the%20victim>
  44. BNI, Unsuccessful arrest attempt on NLD MP, Relatives taken by the junta in Pindaya, 22 June 2022, <https://www.bnionline.net/en/news/unsucessful-arrest-attempt-nld-mp-relatives-taken-junta-pindaya>

## Ill-treatment, torture, and risk of execution to MPs



*According to our data as of 12 January 2023, 1,218 NLD members were arrested since the military coup, Among them, 1,048 were male and 170 were female. Currently, there are still 76 members of parliament in detention, they are MPs from national and sub-national parliaments. 76 NLD members were killed, 69 were male and 7 were female, including two MPs. The government also seized the property of NLD members and 274 houses have been seized.*

*Bo Bo Oo,*

*Member of National League for Democracy's Yangon Region Hluttaw*

APHR observed in 2022 with grave concerns two trends of appalling human rights violations in Myanmar under the military junta – the continuing and widespread use of torture in prisons and the implementation of execution of political prisoners. The latter, and worrying, development undoubtedly poses a great threat to all political prisoners and detained parliamentarians who are in detention.

While cases of torture in Myanmar prisons were not uncommon in the past, multiple credible reports in 2022 have highlighted that such heinous crimes are taking place in an unprecedented scale since the coup in February 2021. This was aided by the worsening conditions prevalent in Myanmar's prisons, overcrowded and with poor medical facilities, especially during the ongoing COVID-19 pandemic.

According to the Inter-Parliamentary Union (IPU), prison visits have been banned by the junta, effectively cutting off food and medical supplies from outside, and access to political prisoners by family members and lawyers.<sup>45</sup> Such environment put political prisoners at great risk of physical and mental torture.

In December 2021, NLD reported that 12 of its members had died at the hands of the regime and among them, seven were tortured to death during interrogation. Among the other five, two lawmakers, **U Nyan Win** and **U Nyunt Shwe**, had died in prison due to COVID-19 and inadequate medical care in prison.<sup>46</sup>

In March 2022, AAPP alarmingly reported that systematic physical and mental torture of political prisoners is taking place inside Myanmar's prisons and 103

45. Inter-Parliamentary Union, IPU calls for respect for rights of detained MPs in Myanmar, 18 August 2022, available at <https://www.ipu.org/news/statements/2022-08/ipu-calls-respect-rights-detained-mps-in-myanmar>.

46. The Irrawaddy, Myanmar's ousted NLD says over 570 members arrested by junta so far, 1 December 2022, available at <https://www.irrawaddy.com/news/burma/myanmars-ousted-nld-says-over-570-members-arrested-by-junta-so-far.html>

pro-democracy protesters have been tortured to death in interrogation centres since the coup, most within 48 hours of arrest.<sup>47</sup>

On 6 July 2022, the NLD's Human Rights Record Group said the body of NLD lawmaker for Bilin Township in Mon State, **Kyaw Myo Min**, was found in Min Saw village in Kayin State, not long after his arrest. His body was found with his hands tied behind his back, the head was buried separately in the mud. The group also reported that **Tin Yi**, a lawmaker of the Kyunsu Township People's Assembly in Tanintharyi region, had died while fleeing arrest.<sup>48</sup>

**Myo Myo Kyaw**, NLD MP for Kachin State at Pyitthu Luttaw reportedly **killed** in detention **by regime forces**



On 7 September 2022, Burma Human Rights Network (BHRN) reported that the junta had killed 217 people in custody and most of the victims had been tortured before being killed.<sup>49</sup> On 23 September 2022, it was reported that regime forces had killed Myo Myo Kyaw, a NLD MP for Kachin State at the Lower House of Parliament (Pyitthu Luttaw), while he was in detention.<sup>50</sup>

Such worrying trends were further confirmed by investigative reports by international rights groups. In August 2022, Amnesty International (AI) released a report revealing that the Myanmar junta used 'vile and brutal' tactics on detainees to crush the country's resistance movement, including beatings, electrical shocks, use of tasers on genitals, and psychological torture, including death and rape threats, to force confession or extract information about anti-coup activities.<sup>51</sup> In September 2022, Human Rights Watch (HRW) published an investigation into the death of six regime opponents and found that five of them had died within 24 hours of being arrested with their bodies showing signs of torture.<sup>52</sup>

On 12 September 2022, the UN Independent Investigative Mechanism for Myanmar (IIMM) released a report and concluded that crimes against humanity and war crimes have intensified

since the February 2021 military coup and there is growing evidence of the most serious international crimes, including murder and torture.<sup>53</sup>

Another worrying trend of appalling human rights violations was the **increased number of sentences of death penalty** and the first judicial executions in decades. Since the military coup, using **Martial Law Order 3/2021**, the junta has

47. AAPP, Political prisoners' experience in interrogation, judiciary and incarceration since Burma's illegitimate military coup, 23 March 2022, available at <https://aappb.org/?p=20734>

48. Radio Free Asia, Nearly 50 members of Myanmar's deposed government have been killed since coup, 18 July 2022, available at <https://www.rfa.org/english/news/myanmar/nld-07182022183229.html>

49. Myanmar Now, New report highlights Myanmar junta's 'vile and brutal' torture of prisoners since coup, says watchdog, 7 September 2022, available at <https://myanmar-now.org/en/news/myanmars-junta-has-killed-nearly-220-prisoners-since-coup-says-watchdog?page=6>

50. The Irrawaddy, NLD lawmaker killed at Myanmar interrogation center, 23 September 2022, available at <https://www.irrawaddy.com/news/burma/nld-lawmaker-killed-at-myanmar-military-interrogation-center.html>

51. Myanmar Now, New report highlights Myanmar junta's 'vile and brutal' torture of prisoners, 2 August 2022, available at <https://myanmar-now.org/en/news/new-report-highlights-myanmar-juntas-vile-and-brutal-torture-of-prisoners>

52. Mizzima, Details of six out of over 73 deaths in custody, 14 Sep 2022, available at <https://mizzima.com/article/details-six-out-over-73-deaths-custody>

53. UN News, Myanmar: Increasing evidence of crimes against humanity since coup, 12 September 2022, available at <https://news.un.org/en/story/2022/09/1126451>

**1<sup>st</sup>** judicial  
executions  
in **decades**



added the death penalty as punishment for 23 vague and broadly defined offenses, including treason.<sup>54</sup> **As of 3 December 2022, according to the UN, the junta has sentenced 139, including political prisoners, to death since the coup in February 2021.**<sup>55</sup>

On 23 July 2022, the junta went ahead to execute **Phyo Zayar Thaw**, a former member of parliament elected in 2015 election, prominent pro-democracy activist Ko Jimmy (aka Kyaw Min Yu), Hla Myo Aung and Aung Thura Zaw, despite international appeals to stop such an atrocious act. Phyo Zayar Thaw and Ko Jimmy were convicted of and sentenced to death for offenses involving explosives, bombings and financing terrorism under the Counter Terrorism Act. Hla Myo Aung and Aung Thura Zaw were convicted for

the alleged murder of a woman believed to act as an informer for the military. These executions were the first since the late 1980s.<sup>56</sup> The families apparently only learned about the appeal process available to them, which is to apply to the junta chair within 15 days of the conviction to reverse the decision or to reduce the sentence, not through prison officials or lawyers, but from an official media statement of the junta.<sup>57</sup>

These executions were carried out two weeks after the Special Envoy of ASEAN to Myanmar, Cambodian Foreign Minister Prak Sokhonn, had visited the country, showing the junta's total contempt for ASEAN and the Five Point Consensus it had signed. Despite global condemnation of the executions, on 26 July 2022, the junta defended the decision as “justice for the people”<sup>58</sup> and reportedly planned to execute another 41 prisoners.<sup>59</sup> On 29 July 2022, the regime's spokesperson did not rule out the possibility that more political prisoners could soon be put to death by the junta.<sup>60</sup> That created fear and heightened the risk of execution

As of  
**3**  
December



**the Junta has** including political prisoners,  
**sentenced 139** to **death** since the  
coup in **February 2021**

54. OHCHR, Myanmar: UN experts sound alarm over junta's decision to enforce death sentences, 10 June 2022, available at <https://www.ohchr.org/en/press-releases/2022/06/myanmar-un-experts-sound-alarm-over-juntas-decision-enforce-death-sentences>

55. UN News, Myanmar: Secretive military courts sentence scores of people to death, 2 December 2022, available at <https://news.un.org/en/story/2022/12/1131292>

56. Inter-Parliamentary Union, IPU calls for respect for rights of detained MPs in Myanmar, 18 August 2022, available at <https://www.ipu.org/news/statements/2022-08/ipu-calls-respect-rights-detained-mps-in-myanmar>

57. Human Rights Watch, Myanmar: Junta vows to enforce death sentences, 7 June 2022, available at <https://www.hrw.org/news/2022/06/07/myanmar-junta-vows-enforce-death-sentences>

58. DW, Myanmar junta defends 'lawful' executions as outrage grows, 26 July 2022, available at <https://www.dw.com/en/myanmar-junta-defends-lawful-executions-as-outrage-grows/a-62597018>

59. Chindwin News Agency, 26 Jul 2022, available at <https://bit.ly/3S4SyTl>

60. Myanmar Now, Families of death row inmates fear the worst amid rumours of more execution to come, 29 July 2022, available at <https://myanmar-now.org/en/news/families-of-death-row-inmates-fear-the-worst-amid-rumours-of-more-executions-to-come>

among political prisoners and detained parliamentarians, as some of them have been prosecuted with similar charges as the four executed. It is clear that these executions were carried out to strike fear among representatives of the democratic forces and political activists who oppose the junta – an act UN High Commissioner for Human Rights, Volker

Türk, condemned as “using execution as a political tool to crush opposition”.<sup>61</sup>

On 6 January 2023, the junta granted amnesty and released 7,012 prisoners to mark the 75th anniversary of independence of Myanmar. However, the UN said among these released prisoners, only about 300 were political prisoners.<sup>62</sup>

## CONCLUSION

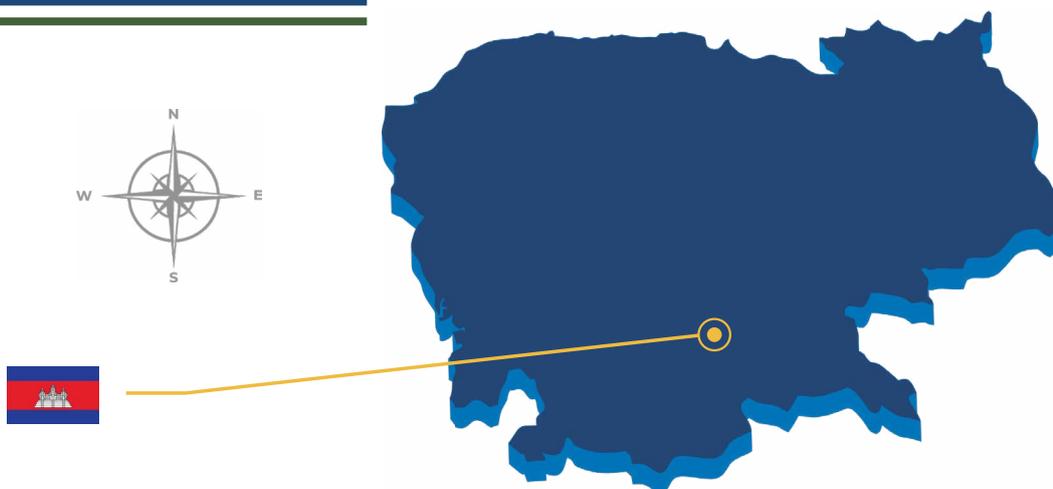
The junta should be transparent and disclose information on the status of all imprisoned MPs. Basic rights to receive visits from family members, lawyers, and representatives of international organizations should be granted. All executions should be suspended immediately by imposing a moratorium and all death sentences should be commuted. The UN special envoy on Myanmar and its special rapporteur on human rights in Myanmar should be allowed to visit the country and have access to all detention centers, including unofficial ones. ASEAN, and the international community at large, should engage with the CRPH and the NUG as the legitimate government, and impose sanctions on the junta. The NUG should continue its effort to seek justice and hold the junta accountable for its crimes under international law. The international community should exercise universal and other forms of jurisdiction to investigate and prosecute suspects involved in those crimes, especially crimes against humanity and war crimes.

---

61. Al-Jazeera, UN says Myanmar military uses death penalty to ‘crush’ opposition, 3 December 2022, available at <https://www.aljazeera.com/news/2022/12/3/un-says-myanmar-military-using-death-penalty-to-crush-critics>

62. The Straits Times, Myanmar mass pardons included 300 political prisoners: UN, 6 January 2023, available at <https://www.straitstimes.com/asia/se-asia/myanmar-mass-pardons-included-300-political-prisoners-un>

# CAMBODIA



► The government conducted a series of mass trials and convicted more than 110 CNRP members and supporters, including a number of former lawmakers in absentia, ahead of the commune elections. The president of the Candlelight Party has been sued for defamation by the ruling party with claimed damages of US\$1 million for alleging electoral fraud in the commune elections.

## Deterioration of civic and democratic space for lawmakers

Prime Minister of Cambodia, Hun Sen, has maintained a tight control of the country, building an effective one-party rule since coming to power in 1985. The government relies primarily on repressive provisions in the **Criminal Code** to restrict freedom of expression, including defamation, incitement, insult and lèse-majesté. In recent years, there has been an **increased use of Article 494 – 498** relating to the offense of incitement against political opponents and government critics. Authorities regularly ban or disperse public demonstrations using Article 2 of the **Law on Peaceful Assembly** and Articles

41 and 42 of the **Constitution**. Freedom of association was further curbed with the introduction of **Law on Associations and Non-Governmental Organizations (LANGO)** in 2015.

With practically no legislative oversight in recent years, the government introduced a few more repressive laws. In July 2020, the Law on Public Order was released with many provisions that undermined human rights through regulating public spaces and public behavior on the pretext of maintaining ‘public order’.<sup>63</sup> The Sub-Decree on the Establishment of the

63. APHR and others, *Civil society organizations call for the draft Law on Public Order to be immediately discarded*, 9 November 2020, available at <https://aseanmp.org/2020/11/09/csos-discard-law-on-public-order-cambodia/>



*Cambodian Prime Minister Hun Sen (L) prepares to cast his ballot during local council elections at a polling station in Kandal province, Cambodia. © EPA-EFE*

**National Internet Gateway**, which was passed on 16 February 2021, gave vast powers to the government to control internet traffic in and out of the country, block any online connection and access to personal data without consent. Its enforcement however was put on hold by the government a day before it was supposed to come into effect on 16 February 2022.<sup>64</sup>

With a weak judiciary that is highly prone to political influence and interference from the authorities, opposition politicians and government critics are often subject to unfair trial, denial of bail, and long pre-trial detention. Independent media have been almost wiped out in recent years by the government, with at least 32 radio broadcasts and 17 independent media websites closed down in 2017-2018.<sup>65</sup>

The Supreme Court disbanded the main opposition party – the Cambodia National Rescue Party (CNRP) in 2017 and banned

more than 100 of its party members from politics for five years prior to the general election in 2018.<sup>66</sup> Kem Sokha, former president and lawmaker of the CNRP, was arrested and detained for allegedly “conspiring with a foreign power” in September 2017 and was only released on bail in September 2018 pending trial. Many other CNRP leaders and activists fled the country and have been living in exile for fear of being arrested.<sup>67</sup> With the absence of credible opposition, the Cambodian People’s Party (CPP), led by Hun Sen, won all 125 seats for the National Assembly in the 2018 general election, which was widely condemned as a sham election.<sup>68</sup>

Since the COVID-19 pandemic that erupted in 2020, the government has intensified its harrasment of political opponents and government critics through intimidation, violent attacks, arbitrary arrest and detention, and judicial persecution. This was clearly intended to create an intimidation environment ahead

64. CIVICUS, *Cambodia Country Brief 2022*, page 7, 19 September 2022, available at <https://civicus.org/documents/CambodiaCountryBrief,September2022.pdf>

65. Cambodia Center for Human Rights and Article 19, *Joint submission to the UN Human Rights Committee in advance of its third review of the Kingdom of Cambodia*, page 8-9, January 2022, available at [https://www.article19.org/wp-content/uploads/2022/01/Cambodia-ICCPR-Joint-Submission\\_CCHR-and-ARTICLE-19.pdf](https://www.article19.org/wp-content/uploads/2022/01/Cambodia-ICCPR-Joint-Submission_CCHR-and-ARTICLE-19.pdf)

66. BBC, *Cambodian top court dissolves main opposition CNRP party*, 16 September 2017, available at <https://www.bbc.com/news/world-asia-42006828>

67. International Federation of Human Rights, *Shadow report for the review of Cambodia’s third periodic report*, 31 January 2022, available at [https://www.fidh.org/IMG/pdf/20220131\\_cambodia\\_ccpr134\\_fidh\\_en.pdf](https://www.fidh.org/IMG/pdf/20220131_cambodia_ccpr134_fidh_en.pdf)

68. Reuters, *Cambodia’s ruling party won all seats in July vote: election commission*, 15 August 2018, available at <https://www.reuters.com/article/us-cambodia-election-idUSKBN1L01E7>

of the commune election in June 2022 and the general election in 2023, targeting primarily former members and supporters of the disbanded CNRP. From 2019 to 2021, at least 30 cases of violence against CNRP supporters and their relatives were reported involving at least two cases of death. Members of the 'Friday Women' movement who have been campaigning against the jailing of their family members were subjected to violence, arbitrary arrest and detention and harassment, including being beaten, kicked, dragged along the ground, followed by police and

subjected to surveillance.<sup>69</sup>

As of 31 January 2022, there were more than 60 imprisoned for peaceful activism and exercising their freedom of expression.<sup>70</sup>

On 5 June 2022 in the commune elections, the CPP won 74.3 percent of the popular votes, 1,648 commune chief positions while the Candlelight Party, led by former CNRP leaders, only won four commune chief positions despite securing 22.3 percent of popular votes.<sup>71</sup>



**60** people imprisoned



**74,3%**

CPP

**22,3%**

Candlelight Party

## Intensified judicial harassment ahead of commune and general elections

With clear intent to expedite political trials and heightened the intimidation ahead of the commune elections in June 2022, the government continued a series of mass trials against CNRP leaders and supporters, as well as political activists throughout 2022. The first mass trial started in 2020 and ended with nine former CNRP lawmakers tried and convicted in absentia on 1 March 2021. They were baselessly accused of attempting to stage

a coup by announcing their return to Cambodia in November 2019. **Sam Rainsy**, the acting CNRP leader, was sentenced to 25 years in prison, deputy leaders **Mu Sochua** and **Eng Chhay Eang** to 22 years each while other CNRP leaders **Tioulong Saumura**, **Men Sothavrin**, **Ou Chanrith**, **Ho Vann**, **Long Ry**, and **Nuth Romduol** received 20 years each. They were also stripped of their political rights, including the rights to vote, run for office and serve

69. CIVICUS, *Cambodia: New brief highlights lack of tangible improvements around civic space*, 19 September 2022, available at <https://www.civicus.org/index.php/media-resources/reports-publications/6038-cambodia-new-brief-highlights-lack-of-tangible-improvements-around-civic-space>

70. International Federation of Human Rights, *Shadow report for the review of Cambodia's third periodic report*, 31 January 2022, available at [https://www.fidh.org/IMG/pdf/20220131\\_cambodia\\_ccpr134\\_fidh\\_en.pdf](https://www.fidh.org/IMG/pdf/20220131_cambodia_ccpr134_fidh_en.pdf)

71. *The Diplomats*, *Cambodia confirms CPP's landslide victory in commune election*, 27 June 2022, available at <https://thediplomat.com/2022/06/cambodia-confirms-cpps-landslide-victory-in-commune-election/>

as public officials.<sup>72</sup> The European Union condemned the verdict arguing that “the accused were not allowed to return to defend their cases in court, in what

appears to be a violation of due process rights, firmly established by international human rights law.”<sup>73</sup>

## Judicial Harassment against CNRP Former Leaders, Members, and Supporters

### 17 March



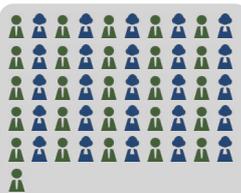
20 people



5-10 years

On 17 March 2022, 20 former leaders and members of the CNRP received prison sentences of between five to ten years on baseless charges of “incitement”, “inciting military personnel to disobedience” and “conspiracy” in relation to the formation of the overseas opposition Cambodia National Rescue Movement and social media criticism of the government. The defendants were Sam Rainsy, Eng Chai Eang, Ho Vann, Mu Sochua, Nuth Romduol, Tiulong Saumura, Tok Vanchan, Long Phary, Khut Chroek, Ngim Khean, Yim Sareth, Kheum Pheana, Thai Sokunthea, Keo Thai, Nhem Vean, Chum Chan, Sok Chantha, Pheat Mab, Sun Thun, and Hin Chhan.<sup>74</sup>

### 14 June



51 people



up to 8 years

On 14 June 2022, in another bogus mass trial, 51 former members and activists of the CNRP were sentenced to up to eight years in prison on unsubstantiated charges of “incitement” and “conspiracy”, in connection with their support for Sam Rainsy’s return to Cambodia in 2019 and activities of the disbanded CNRP and the overseas Cambodia National Rescue Movement. The two organizations were alleged of pursuing a ‘color revolution’ to topple the government. At least 27 were tried and convicted in absentia and the court also issued arrest warrants for 31 defendants.<sup>75</sup> Sam Rainsy, one of the defendants in this case, was again sentenced in absentia with additional eight years in prison, bringing his total prison sentences to 47 years.<sup>76</sup> UN human rights experts condemned the mass trial as peppered with judicial flaws, including trials in absentia, denial of complete access to case files, violation of the principle of presumption of innocence, extended periods of pre-trial detention and the lack of precise, factual, and conclusive evidence as basis for conviction.<sup>77</sup>

72. Human Rights Watch, Cambodia: Quash conviction of opposition leaders, 3 March 2021, available at <https://www.hrw.org/news/2021/03/03/cambodia-quash-conviction-opposition-leaders>

73. European Union, Cambodia: Statement by the spokesperson on the mass trials conducted against opposition figures, 2 March 2021, available at [https://www.eeas.europa.eu/eeas/cambodia-statement-spokesperson-mass-trials-conducted-against-opposition-figures\\_en](https://www.eeas.europa.eu/eeas/cambodia-statement-spokesperson-mass-trials-conducted-against-opposition-figures_en)

74. Human Rights Watch, Cambodia: Opposition politicians convicted in mass trial, 17 March 2022, available at <https://www.hrw.org/news/2022/03/17/cambodia-opposition-politicians-convicted-mass-trial>

75. Human Rights Watch, Cambodia: 51 opposition politicians convicted in mass trial, 14 June 2022, available at <https://www.hrw.org/news/2022/06/14/cambodia-51-opposition-politicians-convicted-mass-trial>

76. Radio Free Asia, Cambodian American lawyer gets six years for ‘treason’ in mass sentencing of opposition, 14 June 2022, available at <https://www.rfa.org/english/news/cambodia/theary-seng-06142022162251.html>

77. OHCHR, Cambodia: Opposition mass trials deeply flawed – UN rights experts, 29 June 2022, available at <https://www.ohchr.org/en/press-releases/2022/06/cambodia-opposition-mass-trials-deeply-flawed-un-rights-experts>

22 Dec



On 22 December 2022, 36 former members and supporters of the CNRP were convicted for charges of plotting to overthrow the government, under Article 453 of the Criminal Code, based on their Facebook posts and recorded private phone calls in relation to an attempt by Mu Sochua and other former CNRP leaders to return to Cambodia to stand trial. They each received sentences ranging from five to seven years in prison. 11 of them were banned from voting or standing in elections, including Sam Rainsy, Eng Chhai Eang, Mu Sochua, Ho Vann, Heng Dara (also known as Heng Danaro), Long Ry, Men Sothavarin, Nut Romduol, Ou Chanrith, Tioulong Saumura, and Van Narith. According to the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), the judgment is the fourth verdict in five mass trials against a total of 158 leaders and supporters of the CNRP.<sup>78</sup>

The trial of Kem Sokha, who was charged in 2017 for alleged treason, finally resumed in 2022 after being put on hold for almost two years by the court on justification of the COVID-19 pandemic, depriving him of political participation pending trial. He was accused of trying to overthrow the government with the backing of the

United States (US), based on a video in which Kem Sokha allegedly said he had received advice from the US on how to build up an opposition movement.<sup>79</sup> On 21 December 2022, the court heard the closing arguments but no judgment was delivered. Kem Sokha maintained that the prosecution used an edited video as fake evidence against him with the intent to defame him.<sup>80</sup>



Kem Sokha, former leader of the opposition Cambodia National Rescue Party (CNRP), gestures as he arrives to attend a hearing at the Municipal Court in Phnom Penh, Cambodia. © EPA-EFE

With the CNRP dismantled, the government's attacks and harassment shifted to the Candlelight Party, when the party decided to run in the June commune elections. The CPP filed complaints to the National Election Committee (NEC), which was made up mainly of CPP loyalists and was hardly an independent body, accusing candidates of the Candlelight Party of being illiterate and filing documents without thumbprint or signatures. In January 2022, the NEC removed more than 100 candidates of the Candlelight Party from the list of elections, including all candidates in Phnom Penh, and

78. LICADHO, Court convicts 36 former opposition activists in latest mass trial, 22 December 2022, available at <https://www.licadho-cambodia.org/articles/20221222/179/index.html>

79. Al-Jazeera, Fair trial doubts as Kem Sokha treason case resumes in Cambodia, 19 January 2022, available at <https://www.aljazeera.com/news/2022/1/19/fair-trial-doubts-as-cambodias-kem-sokha-treason-trial-resumes>

80. Radio Free Asia, Cambodia court hears final arguments in Kem Sokha's treason trial, 21 December 2022, available at <https://www.rfa.org/english/news/cambodia/kem-sokha-12212022175739.html>

Pursat and Kampong Cham provinces, on controversial grounds of fake names and fielding these candidates without their consent. The Candlelight Party condemned the decision of the NEC as an abuse of the election law, as it failed to call witnesses to be questioned over the complaints filed by the CPP.<sup>81</sup>

in S'dao commune, including Kung Raiya, who was alleged to have distributed money to other commune candidates of his party. Kung Raiya rejected the allegation and said that the money was for election expenses of his party candidates.<sup>84</sup> The Vice President of the Candlelight Party, **Son Chhay**, said that a total of 22 of their candidates were summoned in the run-up to the commune elections while seven were arrested before and during election campaigning.<sup>85</sup> In June 2022, Son Chhay himself was slapped with a defamation suit by the CPP for alleging that there were irregularities in the commune elections and the election results did not reflect the will of the voters. The CPP demanded \$1 million in damages.<sup>86</sup>

**The NEC removed more than 100 candidates of the Candlelight Party from the list of elections...**

In March 2022, two candidates of the Candlelight Party, **Ouk Savarin** and **Chhouch Chhoeun**, were arrested and questioned by the police for allegedly forging documents, a claim denied by the Candlelight Party, which condemned the arrests as political threats. Ouk Savarin was officially charged with forgery.<sup>82</sup> In April 2022, another candidate of the Candlelight Party, **Hem Chhil**, who was warned not to put up party signs outside his house, was arrested by local officials on charges of “illegal fishing”.<sup>83</sup> In May 2022, the CPP lodged a complaint with the National Election Committee (NEC) and demanded the removal of another 10-15 candidates of the Candlelight Party



Supporters of Candlelight party ride on a truck during a campaign event for the Cambodian local council elections in Phnom Penh, Cambodia. © EPA-EFE

81. CIVICUS, *Ongoing persecution of unionist, media and opposition ahead of commune elections in Cambodia*, 20 May 2022, available at <https://monitor.civicus.org/updates/2022/05/20/ongoing-persecution-unionists-media-and-opposition-ahead-commune-elections-cambodia/>
82. VOD, *Candlelight Party alleges more intimidation, small party candidate denies bribery*, 15 March 2022, available at <https://vodenglish.news/candlelight-party-alleges-more-intimidation-small-party-candidate-denies-bribery/>
83. Radio Free Asia, *Cambodia officials move against opposition activists ahead of June elections*, 14 April 2022, available at <https://www.rfa.org/english/news/cambodia/activists-04142022160859.html>
84. VOD, *Candlelight's Kung Raiya faces complaint over money handed to candidates*, 26 May 2022, available at <https://vodenglish.news/candlelights-kung-raiya-faces-complaint-over-money-given-to-candidates/>
85. VOD, *Opposition parties unite over calls for election investigations, electoral reforms*, 7 June 2022, available at <https://vodenglish.news/opposition-parties-unite-over-calls-for-election-investigations-electoral-reforms/>
86. VOD, *Updated: CPP sues Candlelight Party leader for \$1M*, 14 June 2022, available at <https://vodenglish.news/cpp-sues-candlelight-party-leader-for-1m/>

## Other forms of attacks and harassment during commune elections

Besides judicial harassment, opposition parties and their candidates and supporters were also subjected to various other forms of attacks and harassment ahead of the commune elections, including physical attacks. In April 2022, a candidate of the Candlelight Party, Choeun Sarim, who had been threatened and assaulted in the past, was killed while traveling to Phnom Penh on motorbike. His wife said his skull was crushed by a blow from behind. In two other incidents, a youth leader of the Candlelight Party was beaten by a mob and another supporter of the party had his house assaulted with stones by unidentified men.<sup>87</sup> Election campaign signs of the Candlelight Party in southern Siem Reap province and north western provinces were reportedly destroyed and vandalized due to the bias of local officials.<sup>88</sup>

Opposition parties such as Grassroots Democratic Party, Candlelight Party,

and Kampucheaniyum complained that intimidation was widespread on polling day of the commune elections, which was confirmed by the independent observer Committee for Free and Fair Elections in Cambodia (COMFREL). Local officials, including village chiefs and commune chiefs, who knew local residents very well, were found sitting outside of polling stations. There were people taking down the names of people who had voted at polling stations. Access to vote counting procedures and the 1102 forms that registered the results of each polling station were lacking.<sup>89</sup> COMFREL also reported that armed forces were present at polling stations and in some instances, observers were barred from observing vote counting processes.<sup>90</sup> All these clearly contributed to an intimidating polling environment and created fear in the voters, especially supporters of opposition parties.

### CONCLUSION

Political persecution and intimidations by the government against members and supporters of the opposition parties, human rights defenders, land rights and environment protection activists, and journalists are expected to continue escalating prior to the next general election, expected to be held in July 2023. The international community must hold Hun Sen's government to account for its widespread human rights violations and ensure the opposition parties and their candidates are able to contest in the 2023 general election in a free and fair environment with a level playing field before it is too late.

87. Radio Free Asia, *Cambodia officials move against opposition activists ahead of June elections*, 14 April 2022, available at <https://www.rfa.org/english/news/cambodia/activists-04142022160859.html>

88. Radio Free Asia, *Cambodian opposition party's signs vandalized in council campaign*, 25 May 2022, available at <https://www.rfa.org/english/news/cambodia/signs-05242022201213.html>

89. VOD, *Opposition parties unite over calls for election investigations, electoral reforms*, 7 June 2022, available at <https://vodenglish.news/opposition-parties-unite-over-calls-for-election-investigations-electoral-reforms/>

90. *Camboja News*, *Election observers detail irregularities in commune election*, 7 June 2022, available at <https://cambojanews.com/election-observers-detail-irregularities-in-commune-election/>

# THAILAND



► Systematic judicial harassment against lawmakers continued with the intimidation campaign turned to the Move Forward Party as the primary target after its predecessor, the Future Forward Party, had been dissolved by a court in 2020.



An anti-government protester flashes a three-finger salute with a handcuffed hand as she joins a rally calling to lift the section 112 of the Thai Criminal Code that criminalises lese majeste. © EPA-EFE



Anti-government protesters hold up placards during a rally calling to lift the section 112 of the Thai Criminal Code that criminalises lese majeste. © EPA-EFE

## Climate of freedom of expression for lawmakers remained highly restricted

Basic freedoms in Thailand remain highly restricted under the government led by Prime Minister General Prayuth Chan-ocha, who came into power in a May 2014 coup and then was elected by parliament after a general election in 2019. Freedom of expression is severely curtailed, primarily with the use of Section 112 of the Penal Code, the *lèse-majesté* law that criminalizes defamation of the royal family with harsh punishment of prison terms of between three to 15 years. The Computer Crime Act and defamation under Sections 326-333 are also regularly invoked to curb free speech. Freedom of assembly is often clamped down by the government with arbitrary arrest and detention, investigation and prosecution, violence and excessive force, including

the use of rubber bullets, tear gas, and water cannons to disperse protesters. Freedom of association is also shrinking with the Political Parties Act 1998 and the approval in principle of the Draft Act on the Operations of Not-for-Profit Organizations that prescribes “imprecise and overbroad restrictions against not-for-profit-organizations” by the government on 4 January 2022.<sup>91</sup>

Since July 2020, student protests have intensified nationwide, demanding the resignation of Prime Minister Prayut Chan-ocha, amendments to the constitution and reform of the monarchy. According to Thai Lawyers for Human Rights (TLHR), since the beginning of the “Free Youth Movement” protest on 18 July 2020 until

91. International Commission of Jurists, *Thailand: NGO law must be revised or withdrawn*, 24 March 2022, available at <https://www.icj.org/thailand-ngo-law-must-be-revised-or-withdrawn/>

30 November 2022, at least 1,886 people in 1,159 cases have been prosecuted, including 283 minors, due to their political participation and expression.<sup>92</sup>

According to an opposition MP, Bencha Saengchan, during a parliamentary debate on 22 July 2022, 2,408 civilians were arrested and tried in military and civilian courts since the military took power in 2014. These included 428 charged with illegal assembly, 197 with violating the Computer Crime Act, 124 with instigating public unrest and 169 with lèse majesté charges.<sup>93</sup>

In July 2022, the Citizen Lab of the University of Toronto revealed in a research report that Thailand was one of the countries that used Israel-developed Pegasus phone spyware on at least 30 of its dissidents in 2020-2021.<sup>94</sup> Questioning the government in Parliament, the Move Forward Party also alleged that one of its lawmakers and two former lawmakers were victims of government surveillance using the Pegasus spyware. Digital Economy and Society Minister Chaiwit Thanakamanusorn initially admitted to the use of the surveillance software by the government for national security and drug-related cases, but denied it completely a few days later.<sup>95</sup>

On 1 October 2022, the Emergency Decree which was proclaimed in response to the COVID-19 pandemic in 2020, and was followed by measures that highly restricted freedom of movement, expression, peaceful assembly and public participation, was repealed. Despite the end of the emergency, the authorities have continued to pursue 574 cases of violation of the Emergency Decree.<sup>96</sup>



Despite the end of the emergency, the authorities have continued to pursue

**574 CASES**

of violation of the Emergency Decree

92. Thai Lawyers for Human Rights, November 2022: at least 1,886 people were political prosecuted in 1,159 cases, 14 December 2022, available at <https://tlhr2014.com/en/archives/51466>

93. Thai PBS, Move Forward MP urges government to free political detainees, 22 July 2022, available at <https://www.thaipbsworld.com/move-forward-mp-urges-government-to-free-political-detainees/>

94. The Guardian, Dozens of Thai democracy activists targeted with Pegasus phone spyware, 17 July 2022, available at <https://www.theguardian.com/world/2022/jul/17/dozens-of-thai-democracy-activists-targeted-with-pegasus-phone-spyware>

95. New Straits Times, Thai minister backtracks on spyware admission as government denies Pegasus use, 22 July 2022, available at <https://www.nst.com.my/world/world/2022/07/815752/thai-minister-backtracks-spyware-admission-government-denies-pegasus-use>

96. APHR and other NGOs, Joint statement - Thai officials must drop all the ongoing prosecutions under the Emergency Decree, 9 November 2022, available at [https://www.civicus.org/documents/Thailand-Joint-Letter-English\\_09-11-2022.pdf](https://www.civicus.org/documents/Thailand-Joint-Letter-English_09-11-2022.pdf)

## Systematic judicial harassment against the Move Forward Party continues

The Future Forward Party, which was founded in 2018 and campaigned on an anti-junta platform in the 2019 general election, did unexpectedly well by winning more than 80 seats and became the third largest party in parliament. It was disbanded in 2020 on order of the Constitutional Court for allegedly breaching the Political Parties Act. Its executives were banned from politics for 10 years, including its hugely popular leader, Thanathorn Juangroongruangkit.<sup>97</sup> Thanathorn was earlier disqualified as a lawmaker in 2019 for allegedly holding shares of a media company illegally while running for election. He maintained that all these cases were politically motivated.<sup>98</sup> APHR has documented how the Future Forward Party was the target of a systematic campaign to discredit it.<sup>99</sup> With the Future Forward Party reborn into the Move Forward Party, it is evident that the latter and its lawmakers have become the new target of judicial harassment from the government and the royalists

On 17 March 2022, the Police issued an arrest warrant for **Rangsiman Rome**, a



*Thai lawmaker Rangsiman Rome speaks during an interview at the new Parliament in Bangkok. © EPA-EFE*

vocal member of parliament for the Move Forward Party and member of APHR, for failing to report to police twice after being summoned for criminal defamation on a speech pronounced in 2020, in which he accused deputy prime minister, General Prawit Wongsuwan of using the Five Provinces Bordering Forest Preservation Foundation (FPBFPF) to negotiate deals between the military, politicians, and businesses. Rangsiman Rome maintained that the arrest warrant was “illegitimate”, as the date of the first summon clashed with a parliamentary session while he had requested for a change of date in

97. Bangkok Post, *Future Forward Party's spectacular rise and fall*, 30 December 2020, available at <https://www.bangkokpost.com/thailand/politics/2043091/future-forward-partys-spectacular-rise-and-fall>

98. CNN, *His party banned, He faces jail. But Thailand Thanathorn Juangroongruangkit vows to fight on*, 9 March 2020, available at <https://edition.cnn.com/2020/03/09/asia/thanathorn-thailand-democracy-intl-hnk/index.html>

99. APHR, *MPs urge Thai authorities to end attacks on pro-democracy groups*, 21 February 2020, <https://aseanmp.org/2020/11/09/future-forward-party-dissolved/>

the second summon that was denied by the Police.<sup>100</sup> He said the arrest warrant was technically illegal as it could only be issued for crimes stipulating a jail sentence longer than three years and if the suspect was a flight risk, which neither applied in his case. Rangsiman Rome was officially charged for defamation on 18 March 2022 when he reported to police.<sup>101</sup>

Rangsiman Rome suspected that there was a plot to remove him from parliament and put him behind bars, as he would be disqualified as a member of parliament if he is convicted and sentenced to a jail term, even by one day, under Section 101(6) of the Constitution.<sup>102</sup> It was reported that the registration of FPBFPF listed Deputy Prime Minister General Prawit as the foundation chairperson, Prime Minister General Prayut as honorary chairperson and Charoen Sirivadhanabhakdi, the founder of Thai Beverage, as honorary advisor.<sup>103</sup> In February 2022, a senior police officer investigating Rohingya human trafficking in 2015 decided to seek asylum in Australia for fear of his life due to threats and pressure from politicians, high ranking officers in the police and the military, an incident that stirred public



Thousands of Future Forward Party's supporters joined Thanathorn in the first protest held in the country since the military junta regained power after the elections held in March 2019. © EPA-EFE

criticism on the government, the police, and the military.<sup>104</sup>

On 11 April 2022, former lawmaker of the Future Forward Party, **Thanathorn Juangroongruangkit**, was indicted for insulting the king and violating a cyber law in a Facebook livestream in January 2021. Thanathorn has denied all of the charges and insisted his statement was made in the public interest. In the livestream event, he criticized the government for mishandling its vaccine campaign and unfairly favoring Siam Bioscience, a firm owned by King Maha Vajiralongkorn that had not produced vaccines before. He may

100. Thai PBS, *Arrest warrant issued for Move Forward MP over controversial censure debate claims*, 17 March 2022, available at <https://www.thaipbsworld.com/move-forward-mp-issued-arrest-warrant-over-controversial-censure-debate/>

101. Prachatai, *MFP MP charged for accusing deputy PM of selling political influence*, 19 March 2022, available at <https://prachataienglish.com/node/9749>

102. Thai PBS, *Arrest warrant issued for Move Forward MP over controversial censure debate claims*, 17 March 2022, available at <https://www.thaipbsworld.com/move-forward-mp-issued-arrest-warrant-over-controversial-censure-debate/>

103. Prachatai, *MFP MP charged for accusing deputy PM of selling political influence*, 19 March 2022, available at <https://prachataienglish.com/node/9749>

104. Prachatai, *MP reveals reason for human trafficking investigator's exile*, 26 February 2022, available at <https://prachataienglish.com/node/9716>

face a sentence up to 20 years in prison.<sup>105</sup>

In July 2022, Sonthiya Sawasdee, a royalist and former adviser to the House Committee on Human Rights, filed a complaint with the National Anti-Corruption Commission, calling for the Move Forward Party to be investigated for “serious ethical breach” in relation to the actions of two of its members of parliament. **Bench Saengchantra**, MP for the Move Forward Party, highlighted in a speech the detention of pro-democracy activists and held photos of two detained activists who were on hunger strike for being denied bail, during a no confidence motion against the prime minister. Another lawmaker of the Move Forward Party, **Amarat Chokepamitkul**, laid a funeral flower in front of the House Speaker’s seat in protest for the refusal of the prime minister to step down.<sup>106</sup>

On 6 November 2022, the president of the King Protection Group, an ultra-royalist group, lodged a royal defamation and sedition complaint with the police, claiming that **Amarat Chokepamitkul**, a list-MP of the Move Forward Party, had defamed the monarchy in a video speaking in parliament that she posted on Twitter. In the video clip, she discussed the issue of court’s neutrality in dealing with royal defamation cases and how courts refused to summon documents to be used as evidence, such as records of King Vajiralongkorn’s travel to and from

Germany and records of the transfer of shares in Siam Commercial Bank. The House Speaker told her not to talk about the monarchy and switched off her microphone.<sup>107</sup> On 13 November 2022, Amarat was again reportedly wanted by police for a defamation investigation for a tweet message that allegedly portrayed the prime minister as a “thieving PM” and accused Prayut of robbing his premiership. The complaint was lodged by a member of the government’s team that monitors information on social media deemed against the prime minister and other cabinet members.<sup>108</sup>

It is concerning that some of these judicial harassment cases against lawmakers involved the speeches that they made in parliamentary sessions, a sign of inadequate protection of parliamentary immunity. While the 2017 Constitution provides that no charges can be filed against lawmakers for anything spoken during a parliamentary session, they are however not protected if what they say during a session is broadcast or published outside of parliament and damages someone who is not a minister, a senator, or a MP. In the case of defamatory speech, the House Speaker is required to publish an explanation as required by the damaged party within a time specified by parliamentary regulations. The damaged party may still press charges against the lawmaker.<sup>109</sup>

---

105. Nikkei Asia, *Thai politician Thanathorn indicted for royal insult over vaccine speech*, available at <https://asia.nikkei.com/Politics/Turbulent-Thailand/Thai-politician-Thanathorn-indicted-for-royal-insult-over-vaccine-speech>

106. Prachatai, *Royalist group files royal defamation charges against MP*, 6 November 2022, available at <https://prachataienglish.com/node/10074>

107. Prachatai, *Royalist group files royal defamation charges against MP*, 6 November 2022, available at <https://prachataienglish.com/node/10074>

108. Bangkok Post, *Govt lodge case against MP for slandering Prayut*, 13 November 2022, available at <https://www.bangkokpost.com/thailand/politics/2436440/govt-lodges-case-against-mp-for-slandering-prayut>

109. Prachatai, *Royalist group files royal defamation charges against MP*, 6 November 2022, available at <https://prachataienglish.com/node/10074>

## Myanmar MPs in neighboring countries

---

APHR has also noted with concern the precarious situation of those Myanmar MPs who have managed to take refuge in neighboring countries, particularly Thailand. Many of them, around 100, fled Myanmar in extremely difficult circumstances, and now find themselves constantly harassed by the police as undocumented migrants in towns along the Thai-Myanmar border, in constant fear of being detained or, even worse, be

repatriated to their country, where they would face arrest, likely torture or even worse, at the hands of the junta.

The authorities of Thailand, and other ASEAN countries, should treat MPs in exile, as well as other asylum-seekers fleeing political persecution, as refugees in need of protection, rather than “illegal immigrants”, and facilitate documents to them.

### CONCLUSION

There is no sign, under the government of Prayut, that judicial harassment against former lawmakers of the disbanded Future Forward Party and current lawmakers of the Move Forward Party will stop given the stance of the Move Forward Party to continue to challenge the role of the military and monarchy in politics. Such judicial harassment may increase in the coming months with the impending general election to be held in 2023.

# THE PHILIPPINES



► The detention of Senator Leila de Lima entered its fifth year while her trial on two trumped-up charges has been ongoing. Disinformation and red-tagging campaigns against opposition parties and lawmakers intensified ahead of the national elections, leading to widespread online threats and violence against lawmakers and their supporters.



Supporters of Philippine Senator Leila De Lima shout slogans outside a trial court after her court hearing in Quezon City, Manila, Philippines, 2017. © EPA-EFE

## Judicial harassment and continued imprisonment

---

As documented by APHR since 2019, several lawmakers have faced judicial harassment, trumped-up charges, and verbal and online attacks during the administration of President Rodrigo Duterte, who was succeeded by President Ferdinand Marcos Jr. following the national elections held on 9 May 2022. Most of these cases involved opposition lawmakers who criticized the president and the government for the widespread human rights violations committed in the brutal “war on drugs” launched by President Duterte. It is estimated that between 12,000 and 30,000 people have been killed in the “war on drugs” and the government’s own data revealed that more than 6,190 people were killed in police operations from 2016 to August 2021.<sup>110</sup> The latest report by the Commission of Human Rights of the Philippines, released in May 2022, revealed that of 798 incidents which had links to drug trade, 793 resulted in death of at least one victim and that of the total number of victims reached 1,104, of which 920 were killed and only 87 survived.<sup>111</sup>

**Leila de Lima**, a senator for the term of 2016-2022, has been detained for more than five years since she was arrested and charged in February 2017 on three separate, non-bailable, trumped-up charges of engaging in illegal drug trade in her capacity as former Secretary of Justice. She denied all charges. The initial charges failed to specify what kind of illegal drugs were allegedly traded, their quantity and quality. There was also no physical

evidence of the alleged illegal drug listed among the evidence to be presented by the state and none was presented. After these flaws were exposed, the government amended the charges against Leila de Lima to “conspiracy to engage in illegal drug trade”, indicating that the government had indeed no physical evidence to prove the case but merely relied on the testimonies of alleged co-conspirators of Leila de Lima to prove her guilt.<sup>112</sup>

On 18 February 2021, one of the cases was dismissed by the court for lack of evidence from the prosecution.<sup>113</sup> However, trials in the other two cases are ongoing. She remains in detention at the high-security detention center of the main police camp in Metropolitan Manila, despite multiple applications for bail.

In the first of the two remaining cases, the prosecutors not only failed to present the physical evidence of the alleged drug trade, but also the money allegedly delivered to Leila de Lima as her share. The prosecution’s own witnesses also denied any involvement or knowledge of the alleged illegal drug trade, and the prosecutors have had difficulties to prove their guilt as co-conspirators of Leila de Lima and indict them. An important development took place in 2022 when key witnesses recanted their accusations against Leila de Lima.

On 28 April 2022, drug lord Kerwin Espinosa retracted in a sworn affidavit

---

110. Human Rights Watch, *World Report 2022*, available at <https://www.hrw.org/world-report/2022/country-chapters/philippines>

111. GMA News, *CHR: Duterte drug war’s culture of impunity mostly affected marginalized sectors*, 19 May 2022, available at <https://www.gmanetwork.com/news/topstories/nation/832228/duterte-drug-war-s-culture-of-impunity-mostly-affected-marginalized-sectors/story/>

112. *Briefer on the trial of former senator Leila de Lima’s cases from the office of Leila de Lima requested by APHR.*

113. *Inquirer, Court dismisses 1 of 3 De Lima drug cases*, 18 February 2021, available at <https://newsinfo.inquirer.net/1397089/court-dismisses-1of-3-de-lima-drug-cases>

his allegations against Leila de Lima of being involved in the business of illegal drugs inside the New Bilibid Prison, and he admitted that all his statements were false and made under “pressure, coercion, intimidation and serious threats to his life and family members from the police”.<sup>114</sup> On 30 April 2022, a former National Bureau of Investigation (NBI) deputy director and former officer-in-charge of the Bureau of Corrections, Rafael Ragos, filed an affidavit to recant all his statements and testimonies accusing Leila de Lima of involvement in illegal drug trade. He was the sole witness who had testified that he delivered money to the house of Leila de Lima on two occasions. He said the two deliveries of drug money never happened and that he was “coerced” by the then Secretary of Justice, Vitaliano Aguirre II, under Duterte’s administration into testifying against Leila de Lima.<sup>115</sup> On 13 May 2022, Ronnie Dayan, bodyguard of Leila de Lima, also recanted his previous false testimonies before the House of Representatives and the Senate on Leila de Lima’s receipt of drug money from drug lord Kerwin Espinosa.<sup>116</sup> Following this development, Leila de Lima filed an Omnibus Motion on 6 May 2022 for the case to be dismissed and her immediate release.

In the second of the remaining cases, at least two witnesses, Joel Capones and Herbert Colanggo, had claimed to have engaged in illegal drug trading. However, they have not been officially charged to this

day despite their admissions made under oath and in open court, raising doubt as to the veracity of their testimonies. The motion for bail filed by Leila de Lima in this case is still pending before the court.<sup>117</sup>

On 9 October 2022, despite being held at a high-security Camp Crame jail, Leila de Lima suffered a traumatic hostage taking incident. She was held hostage by Feliciano Sulayao Jr., an alleged subleader of terrorist group Abu Sayyaf who was detained at the same detention center and attempted to escape with two other detainees.<sup>118</sup> While the three detainees were killed and Leila de Lima was saved by the police, the ordeal she had to go through is a stark reminder of the risk and indignities that she has been subjected to since she was unjustly detained in 2017.

The arrest, detention, and trials of Leila de Lima have been widely condemned, including by APHR, as politically motivated to silence criticism against former president Duterte for his infamous and brutal “war on drugs”. Before her arrest, Leila de Lima, a staunch critic of President Duterte, launched a Senate investigation into the extra-judicial killings related to the war on drugs. Leila de Lima was the chairperson of the governmental Commission on Human Rights when she launched an investigation in 2009 into extrajudicial killings by the so-called Davao Death Squad in Davao City, where Duterte was the longtime mayor.<sup>119</sup> Duterte later vowed “to destroy” de Lima.<sup>120</sup>

---

114. Inquirer, Kerwin Espinosa recants drug trade accusations vs Sen. Leila de Lima, 28 April 2022, available at <https://newsinfo.inquirer.net/1589548/kerwin-espinosa-backtracks-drug-trade-accusations-vs-sen-leila-de-lima>

115. Inquirer, Another witness retracts accusations vs De Lima, says he was ‘coerced’, 2 May 2022, available at <https://newsinfo.inquirer.net/1590878/another-witness-retracts-accusations-vs-de-lima-says-he-was-coerced>

116. Rappler, Ronnie Dayan latest to recant in De Lima case, 13 May 2022, available at <https://www.rappler.com/nation/ronnie-dayan-recants-de-lima-case-may-2022/>

117. Briefer on the trial of former senator Leila de Lima’s cases from the office of Leila de Lima requested by APHR.

118. Rappler, Leila de Lima survives hostage-taking in Camp Crame jail, 9 October 2022, available at <https://www.rappler.com/nation/leila-de-lima-survives-hostage-taking-camp-crame-october-2022/>

119. Carolyn O Arguilas, De Lima: CHR will prove there is a Davao Death Squad, April 17 2009, available at <https://www.mindanews.com/c166-the-davao-killings/2009/04/de-lima-chr-will-prove-there-is-a-davao-death-squad/>

120. Alex Ho, Duterte blasts De Lima: Immoral, used narco money, 17 August 2017, available at <https://www.cnnphilippines.com/news/2016/08/17/Duterte-De-Lima-immoral-drug-money.html>

Her arrest and detention effectively stopped her from proceeding with the investigation. The unjust detention and denial of bail also meant that she was forced to run her re-election campaign as a senator in 2022 from prison, depriving her of the right to campaign freely.

On 8 August 2022, former member of the Philippine House of Representatives and Board Member of APHR, **Walden Bello**, was arrested by the police and charged with two counts of cyber libel by the Davao Prosecutor's Office. Walden Bello ran for vice-president against Sara

Duterte, daughter of President Duterte, in the May 2022 elections, which the latter won. Her former information officer lodged a complaint of cyber libel against Walden Bello, alleging that he had accused her on social media of being a drug addict and dealer. Walden Bello, who has been a leading critic of Marcos dictatorship, denied all of the charges and labeled the move against him as politically motivated. He has been released with a bail set at P48,000 for each count of the charges in comparison with a P10,000 normally imposed for cyber libel.<sup>121</sup>

## Online harassment, disinformation and red-tagging of lawmakers

---

Ahead of the 2022 elections, disinformation, and “red-tagging”, with baseless accusations against opposition parliamentarians, in particular those from the left-wing parties, increased alarmingly. “Red-tagging” is defined by the Philippines court as “the act of labeling, branding, naming, and accusing individuals and organization of being left-leaning, subversives, communists, or terrorists (used as) a strategy... by state agents...against those perceived to be ‘threats’ or ‘enemies’ of the state.”<sup>122</sup> The Communist Party of the Philippines (CPP) and the New People's Army (NPA) had been classified as terrorist organizations by the government in 2017, effectively rendering anyone accused as communist a terrorist. The Anti-Terrorism Act 2020 empowers

the security forces to arrest and detain a terrorist without a warrant.<sup>123</sup>

Former vice president and lawmaker, **Maria Leonor “Leni” Robredo**, who was the main rival of Ferdinand Marcos, Jr. in the 2022 presidential election, was the prime target of intensified disinformation and red-tagging in social media leading up to election day. She was repeatedly red-tagged by government officials. Lorraine Badoy, the Undersecretary of the Presidential Communications Operations Office (PCOO), and the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) accused her of being a communist sympathizer and affiliate on 6 December 2021 and 23 March 2022. Salvador Panelo, former chief legal counsel

---

121. Rappler, *Police arrest ex-VP candidate Walden Bello for cyber libel*, 8 August 2022, available at <https://www.rappler.com/nation/police-arrest-ex-vice-presidential-candidate-walden-bello-cyber-libel/>

122. Philstar, *Why red-tagging is wrong*, 27 September 2022, available at <https://www.philstar.com/the-freeman/opinion/2022/09/27/2212509/why-red-tagging-wrong>

123. Internews, *Red-tagging in the Philippines*, 2022, page 5-6, available at <https://internews.org/wp-content/uploads/2023/01/Red-Tagging-in-the-Philippines.pdf>

to the Duterte administration, accused her of collaborating with the CPP-NPA and “sleeping with the enemy” of the state on 1 May 2022, a week before the polling day. These red-tagging statements were often repeated and echoed by pro-Marcos and Duterte supporters and netizens.<sup>124</sup>

Elect ed representatives, members and supporters of the Makabayan Bloc, a coalition of 13 progressive left-wing party lists in the House of Representatives which include political parties of Kabataan, Anakpawis, Bayan Muna, ACT, and Gabriela, were also red-tagged by the government as a legal front for CPP, and President Duterte himself made a similar claim in March 2022.<sup>125</sup> Despite the fact that the Makabayan Bloc repeatedly rejected the government’s accusations, such red-tagging statements were posted on social media, especially Facebook pages of government agencies and public officials. They were shared widely by netizens, resulting in threats, violence, and sometimes deaths of members and supporters of the Makabayan Bloc. Former representative of the Kabataan party-list at the House of Representatives and APHR Member, **Sarah Elago**, continued to face such threats in 2022. In one incident, she and a student leader of Bicol University



A woman spins a ‘terror wheel’ with a picture of Philippine President Rodrigo Duterte at a demonstration in Manila. © EPA-EFE

were threatened to be killed in a Facebook page called “Malayong Silangan” in April 2022.<sup>126</sup> The intense campaign of disinformation and red-tagging may have also contributed to the poor results suffered by the Makabayan Bloc that won only three seats in the House of Representatives in the 2022 elections in comparison with six seats in 2019.

A number of attacks against parliamentarians remained in 2022, including the case of **Risa Hontiveros** and **France L. Castro**, both members of APHR. Hontiveros was accused by then justice secretary Aguirre of wiretapping in October 2017, after she publicized a photo of Aguirre texting at the Senate during its probe on the killing of Kian delos Santos.

124. Internews, *Red-tagging in the Philippines*, 2022, page 15-22, available at <https://internews.org/wp-content/uploads/2023/01/Red-Tagging-in-the-Philippines.pdf>

125. CNN Philippines, *Duterte claims Makabayan bloc serves as ‘legal front’ of communist rebels*, 30 March 2022, available at <https://www.cnnphilippines.com/news/2022/3/30/Duterte-Makabayan-bloc-as-legal-fronts-of-communist-rebels.html>

126. The Post, *Youth group condemns red-tagging of Bicol U student leader*, 30 April 2022, available at <https://thepost.net.ph/news/nation/youth-group-condemns-red-tagging-of-bicol-u-student-leader/>



*Filipino senator Risa Hontiveros listens during a discussion in Quezon City, Manila. © EPA-EFE*

Zooming into the photo, Aguirre was shown to have texted Volunteers Against Crime and Corruption (VACC) member Jacinto “Jing” Paras to “expedite the cases” against Hontiveros. To her surprise, the case suddenly moved forward after more than four years when an arrest order was issued against her on 27 December 2021. She posted bail of P37,000.<sup>127</sup>

Representative **France Castro** was arrested on 29 November 2018 after a convoy she was traveling in was stopped at a military checkpoint outside of Talaingod town in Davao del Norte, Mindanao. The convoy

was part of a so-called National Solidarity Mission (NSM) which had traveled to the region to provide humanitarian aid to a school of children belonging to the indigenous Lumad community. Castro, and other 18 people involved in the humanitarian convoy faced a charge of alleged child abuse. A Hearing on the fourth prosecution witness (presentation, cross-examination, etc.) is set for February 22, 2023. Rep. France could face up to 8 years of imprisonment.<sup>128</sup>

---

127. Rambo Talabong, *Hontiveros posts bail in Aguirre wiretapping case*, 28 December 2021, available at <https://www.rappler.com/nation/senator-risa-hontiveros-posts-bail-aguirre-wiretapping-case/>

128. ASEAN Parliamentarians for Human Rights, *Southeast Asian lawmakers demand charges to be dropped against Philippine Representative France Castro*, 20 November 2020, available at <https://aseanmp.org/2020/11/09/southeast-asian-lawmakers-demand-charges-to-be-dropped-against-philippine-representative-france-castro/>

## Misogynist attacks of women lawmakers and candidates

---

Another disturbing trend that emerged was misogynist harassment and attacks against women lawmakers and candidates. The viciousness of misogynistic attacks intensified in the last six years during the administration of President Duterte, who was labeled as the most misogynistic president of the Philippines. For instance, physical insults were thrown at Senator Nancy Binay and her sister, the Makati Mayor Abby Binay, calling them *pangit* (ugly) and *negra* (dark) while the family were accused of corruption in 2015-2016. Senator Risa Hontiveros was slurred for her slight build, accused of having had cosmetic surgery using public funds, called all kinds of names, including “idiot bitch”, a user, defender of criminals, drug addicts, terrorists, and a thief.<sup>129</sup>

In the case of Leila de Lima, her private life was dug up at a Senate hearing and covered live on television, an act clearly to disgrace her. The Senate hearing deteriorated into irrelevant inquiry on her romantic relationship with her security aide and this led to all kind of online slanderous slurs against Leila de Lima, including words connoting “slut”, “old slut”, “monster”, “plague”, while some asked her to hang herself.<sup>130</sup> She was also criticized for an alleged sex video, whose authenticity was never established.<sup>131</sup>

Such misogynist attacks and harassment peaked in the months leading up to the elections in 2022. When Leni Robredo’s election campaign started to gain momentum and popularity, a video allegedly showing her eldest daughter, Aika Robredo, in a scandalous pose or act, suddenly appeared and went viral online in April 2022. Robredo family rejected the video as fake and sought assistance from the National Investigation Bureau (NBI) to investigate the case.<sup>132</sup> There were also other links claiming that Tricia Robredo, second daughter of Robredo, also had her own video scandal being spread online. Earlier in January 2022, pro-government bloggers and influencers made false claims that one of Robredo’s daughters allegedly skipped quarantine and went back home after arriving in Manila from New York City.<sup>133</sup>

Leni Robredo herself has been long subjected to misogynist attacks since she was elected as Vice President in 2016. She was disparagingly branded as “*lugaw*” (literally means porridge but connotes lacking in substance), “*lutang*” (connotes slow-witted), dumb, lacking in intelligence, inept, incompetent despite her office earning the highest rating from the Commission on Audit for three straight years. She was

---

129. Daily Guardian, *Cybermisogyny and human rights*, 12 May 2022, available at <https://www.dailyguardian.com.ph/cybermisogyny-and-human-rights/>

130. Daily Guardian, *Cybermisogyny and human rights*, 12 May 2022, available at <https://www.dailyguardian.com.ph/cybermisogyny-and-human-rights/>

131. Rappler, *Female candidates Leni Robredo, Sara Duterte face gendered attacks online*, 1 May 2022, available at <https://www.rappler.com/nation/elections/female-candidates-leni-robredo-sara-duterte-face-gendered-attacks-online-misogyny/>

132. Rappler, *Aika Robredo seeks NBI assistance*, 21 April 2022, available at <https://www.rappler.com/nation/elections/aika-robredo-seeks-nbi-assistance-fake-video-scandal-issue/>

133. Philstar, *Robredo camp slams sex tape allegations involving daughter, urges supporters to 'hold the line'*, 11 April 2022, available at <https://www.philstar.com/headlines/2022/04/11/2173873/robredo-camp-slams-sex-tape-allegations-involving-daughter-urges-supporters-hold-line>

accused of extra-marital affairs while her husband was still alive, and of having been impregnated by a married congressman and aborting the child. She was also slandered as “kabit” (local slang for mistress).<sup>134</sup>

Sara Duterte, daughter of president Duterte, who ran for the vice president, was also a victim of misogynist attacks. She was often called “tomboy” or “tibo” online for her boyish look, and her claim of being a rape victim led to her being called by anti-Duterte supporters as “Sara

gahasa” or “Inday gahasa”, with the word “gahasa” means rape. However, Sharmila Parmanand from the London School of Economics opined that the misogynist attacks on Sara Duterte had a different impact in comparison with those faced by woman candidates from the opposition, as the masculinity shown by Sara Duterte was associated with strength, leadership, and assertiveness while the feminine way carried by opposition candidates such as Leni Robredo was deemed by many as incapable of leading the country.<sup>135</sup>

## CONCLUSION

The landslide victory of the Marcos-Duterte camp in the national elections was due in great part to a successful campaign of disinformation and red-tagging against the opposition parties and political dissenters, including lawmakers.<sup>136</sup> It is also concerning that online misogynist attacks seem to have taken root and have been strategically deployed to target and undermine the credibility of women lawmakers and candidates who have been known to express dissent and hold those in power accountable. The new administration of President Ferdinand Marcos, Jr. may continue such a campaign to silence criticism and consolidate power, and deploy the same tactics in future elections. This undoubtedly will pose a greater risk to opposition lawmakers in the next six years.

---

134. Daily Guardian, *Cybermisogyny and human rights*, 12 May 2022, available at <https://www.dailyguardian.com.ph/cybermisogyny-and-human-rights/>

135. Rappler, *Female candidates Leni Robredo, Sara Duterte face gendered attacks online*, 1 May 2022, available at <https://www.rappler.com/nation/elections/female-candidates-leni-robredo-sara-duterte-face-gendered-attacks-online-misogyny/>

136. Mu Sochua, *Disinformation Poses a Grave Threat to Democracy in the Philippines*, *The Diplomat*, 4 May 2022, available at <https://thediplomat.com/2022/05/disinformation-poses-a-grave-threat-to-democracy-in-the-philippines/>

# MALAYSIA



► The government continued engaging in judicial harassment against lawmakers despite the change of prime minister and the signing of a Memorandum of Understanding (MoU) on institutional Reform with the main opposition bloc. Online abuse and attacks using race and religion to intimidate lawmakers and opposition parties intensified ahead of the general elections.



Malaysia's Prime Minister Anwar Ibrahim and his wife Wan Azizah Wan Ismail arrive for the opening ceremony of the 15th parliamentary session in Kuala Lumpur. © EPA-EFE

## Judicial harassment against lawmakers continued

The ruling coalition, Perikatan Nasional (PN), changed its prime minister from Muhyiddin Yassin to Ismail Sabri in August 2021. With a slim majority in parliament, Ismail Sabri signed a confidence and supply agreement with the main opposition bloc, Pakatan Harapan (PH), to prevent the collapse of his government.

Despite such developments, the government continued to use repressive laws, such as the Sedition Act 1948, the Communication and Multimedia Act 1998, and the Peaceful Assembly Act 2012 to stifle the freedom of expression and freedom of assembly of human rights defenders, media outlets, and politicians, including opposition lawmakers. The government also continued to enforce restrictions on public assembly on justification of the COVID-19 pandemic using the the

Prevention and Control of Infectious Diseases Act 1988, although the pandemic was slowing down and largely brought under control by the government.

In most cases of judicial harassment against lawmakers, police reports would be lodged to initiate investigations. Lawmakers would then be summoned to the police station for questioning or investigation. Most of these cases ended without further action or prosecution, as in the cases reported in the previous years, but constituted a form of legal harassment and intimidation.

Despite parliamentary immunity, member of parliament for Sepanggar, **Mohd Aziz Jaman**, was investigated by police in November 2021 under the Sedition Act 1948 after claiming that there were rising calls



Protester gather during a demonstration held to demand action against Chief Commissioner of Malaysian Anti-Corruption Commission (MACC) Azam Baki. © EPA-EFE

for secession in Sabah in a parliamentary budget debate in relation to the Malaysia Agreement 1963 and the unfair distribution of government allocations to Sabah.<sup>137</sup>

On 13 January 2022, member of parliament for Kulai, **Teoh Nie Ching**, was investigated for a posting on Facebook dated April 2017. She merely shared a post by an activist artist, Fahmi Reza, who regularly posts

Section 504 of the Penal Code, for “intentional insult with intent to provoke a breach of peace,” and Section 233 of the Communication and Multimedia Act 1998, for “improper use of network facilities or network services, etc.”

On 22 January 2022, over 50 protesters were summoned by the police for investigation under the Peaceful Assembly Act 2012, for taking part in a protest, including two parliamentarians for the constituencies of Johor Bahru and Batu, **Akmal Nasir** and **P. Prabakaran**, a state assemblyman for the constituency of Pasir Panji, **Howard Lee**, and several youth leaders of opposition parties, such as Parti Keadilan Rakyat (PKR) youth chief Adam Adli, Parti Amanah Nasional



*Maria Chin Abdullah speaks to Royal Malaysian Police officers as they block lawyers who try to walk to parliament building during a protest to uphold judicial independence in Kuala Lumpur. © EPA-EFE*

youth chief Mohd Hasbie Muda.<sup>139</sup> On 28 January 2022, two other parliamentarians, and both APHR members, **Maria Chin Abdullah** and **Fahmi Fadzil**, were summoned by the police in Kuala Lumpur and questioned for their involvement in the same protest.<sup>140</sup> The protest was organized against Azam Baki, the chief of the Malaysia Anti-Corruption Commission, who was involved in a share-holding scandal. The

his satirical works on political issues, with the caption, “Pertahankan Kebebasan Berekspresi, Kebebasan Bersatire” (“Defend the freedom to express and the freedom to be satirical”).<sup>138</sup> The investigation was conducted under

137. The South China Morning Post, Malaysian MP probed over Sabah, Sarawak comments, highlighting sensitivities over threat by ‘golden geese’ to fly away, 26 November 2021, available at <https://www.scmp.com/week-asia/politics/article/3157534/malaysian-mp-probed-over-sabah-sarawak-comments-highlighting>.

138. SUARAM, Human Rights Report – Malaysia 2022 Review, 2022, page 25, available at [https://www.suaram.net/\\_files/ugd/359d16\\_efcb5140cb814a56ae4e9502b66936a9.pdf](https://www.suaram.net/_files/ugd/359d16_efcb5140cb814a56ae4e9502b66936a9.pdf)

139. SUARAM, Human Rights Report – Malaysia 2022 Review, 2022, page 31-32, available at [https://www.suaram.net/\\_files/ugd/359d16\\_efcb5140cb814a56ae4e9502b66936a9.pdf](https://www.suaram.net/_files/ugd/359d16_efcb5140cb814a56ae4e9502b66936a9.pdf)

140. <https://aseanmp.org/2022/01/31/malaysia-end-harassment-of-opposition-mps-and-activists/>

police claimed that the protest was a violation of the Prevention and Control of Infectious Diseases Act 1988 and the Peaceful Assembly Act 2012. Following the protest, police reportedly identified more than 70 people involved in the rally, including MPs **Teresa Kok** and **Maszlee Malik**, both former cabinet ministers, who were later called for questioning.<sup>141</sup>

On 3 March 2022, the police summoned Deputy Chief Minister II of Penang and a state assemblyman for Perai, **P. Ramasamy**, for an investigation under the Penal Code and the Communication and Multimedia Act 1998. Apparently, multiple police reports had been lodged accusing him of making provocative statements

on social media regarding the issue of the conversion of Low Siew Fong's three children into Islam by his ex-husband, an Indian-Muslim convert.<sup>142</sup>

**Syefura Othman**, a state assemblywoman for Ketari, was one of the ten protesters investigated by the police under the Peaceful Assembly Act 2012 for participating in the "Turun Malaysia Assembly" that took place on 22 July 2022 on issues of rising living costs. Syefura Othman condemned the investigation as a waste of time of police officers, claiming that there was no need for investigation for an event that took place without untoward incidents.<sup>143</sup>

## Online disinformation and hate speech escalated in general elections

---

Online disinformation, vilification, and hate speech, weaponizing race and religion, escalated tremendously in the general elections held in November 2022. Opposition parties, especially the Democratic Action Party (DAP) that identified itself with the ideology of social democracy and has a large base of supporters among the non-Malay and non-Muslim population, were targeted by labeling them as communist, anti-

Islam, and pro-Christian and Jews. Such attacks and vilification generated a lot of online hate speech against the opposition parties and posed a risk for lawmakers and supporters of opposition parties.

In October 2022, the president of the Pan-Islamic Party (PAS), Hadi Awang, accused PH as a coalition of being led by "communists".<sup>144</sup> On 4 November 2022, an actor and a celebrity, Zul Huzaimy, who

---

141. <https://www.malaysiakini.com/news/608238>

142. The Star, Bukit Aman to quiz Ramasamy over alleged provocative statement on conversion of Loh's children, 3 March 2022, available at <https://www.thestar.com.my/news/nation/2022/03/03/bukit-aman-to-quiz-ramasamy-over-alleged-provocative-statement-on-conversion-of-loh039s-children>

143. New Straits Times, Abdul Hadi slammed over DAP is pro-communist claim, 20 October 2022, available at <https://www.nst.com.my/news/politics/2022/10/842146/abdul-hadi-slammed-over-dap-pro-communist-claim>

144. New Straits Times, Abdul Hadi slammed over DAP is pro-communist claim, 20 October 2022, available at <https://www.nst.com.my/news/politics/2022/10/842146/abdul-hadi-slammed-over-dap-pro-communist-claim>

was campaigning for the Pan-Islamic Party (PAS), expressed his intention to “slaughter the infidel” (khafir harbi) in a video posted online.<sup>145</sup> On 9 November 2022, a PAS youth leader, Mohd Shahiful Md Nasir, was caught in a video posted online warning voters of the PH or Barisan Nasional (BN) that they would go to hell.<sup>146</sup> On 18 November 2022, two days before the polling day, former prime minister and PM candidate for the PN, Muhyiddin Yassin, in a video posted on TikTok, accused Pakatan

Harapan of being an agent of Jews and Christians who were out to christianize Malaysia, a claim that PH refuted.<sup>147</sup>

In a survey conducted by Faisal Tehrani from the National University of Malaysia, he found most of the respondents received disinformation on TikTok from politicians and anti-PH influencers and most of their posts were laced with racist sentiment that was anti-Chinese and against muslims who were perceived as liberal.<sup>148</sup>

## CONCLUSION

The new government that emerged from the general elections in 2022 under the leadership of Prime Minister Anwar Ibrahim must utilize its power to implement key institutional reforms to protect the parliament and ensure its independence and healthy functioning as an oversight body to the government. All forms of judicial harassment against lawmakers must stop by abolishing or reviewing repressive laws such as the Sedition Act 1948 and the Communication and Multimedia Act 1998. The new government must also take a clear stand against growing online disinformation and hate speech and engage with social media platforms, especially TikTok and Facebook, and other stakeholders to address the challenge before it gets out of control.

145. Malaysiakini, PN leaders disavow speaker who wants to ‘slaughter kafir harbi’, 14 November 2022, available at <https://www.malaysiakini.com/news/644007>

146. New Straits Times, GE15: PAS youth leader in ‘go to hell’ remark taking a break from party duties, 14 November 2022, available at <https://www.nst.com.my/news/politics/2022/11/850479/ge15-pas-youth-leader-go-hell-remark-taking-break-party-duties>

147. The Star, Muhyiddin’s christianisation agenda claim is dangerous, says CCM, 18 November 2022, available at <https://www.thestar.com.my/news/nation/2022/11/18/muhyiddin039s-christianisation-agenda-claim-is-dangerous-says-ccm>

148. Faisal Tehrani, Kebangkitan ekstremisme Islam pasca PRU15, 22 November 2022, available at <https://www.themalaysianinsight.com/bahasa/s/413230>

# CONCLUSIONS AND RECOMMENDATIONS



Protesters hold pictures of four democracy activists recently executed by Myanmar's military government during a protest on the day of the anniversary of the '88 Uprising' in front of the Myanmar embassy in Berlin, Germany. © EPA-EFE

The year 2022 in the Southeast Asian region was marked by a further, and gruesome, deterioration in Myanmar, epitomized by widespread crimes against humanity and war crimes as well as the resumption of executions by the military junta since 1988. Despite the recent release of political prisoners on pardon by the junta, the number of political prisoners remains very high, with 84 lawmakers still in detention, and at risk of torture, ill-treatment, and execution. Such a dire situation in Myanmar warrants more urgent and effective actions from the international community to hold the junta accountable and restore democracy in Myanmar.

Elsewhere in the region, lawmakers and former lawmakers continued to be subjected to human rights violations,

including arbitrary arrest and detention, judicial harassment, unfair trial, disinformation, vilification, denial of the right to return and threats of violence, for exercising their right to freedom of expression, peaceful assembly and association. Such restrictions and violations were further justified with emergency laws and regulations declared on the pretext of the COVID-19 pandemic, and remained in the books despite the pandemic being gradually brought under control in most countries. Parliamentary immunity accorded to lawmakers was often breached or inadequate. The detention of former senator of the Philippines, Leila de Lima, coming into the sixth year in 2023 while on trial, and the mass trials and multiple convictions of former lawmakers in Cambodia, illustrated the challenging environment and the risks

faced by a lawmaker in the region.

It is also evident that such human rights violations by the governments targeting lawmakers, former lawmakers and their supporters intensified in the periods leading up to elections, as in the case of Cambodia and the Philippines when they held their commune elections and national elections respectively. The governments launched these crackdowns with clear intention to intimidate political opponents and dissidents and ensure electoral victory. With national elections coming up in Thailand, Cambodia, and possibly in Myanmar as well in 2023, such practice of repression against opposition parties and lawmakers prior to an election must be prevented and stopped.

Another emerging risk confronted by opposition lawmakers and their parties was online campaigns of disinformation and vilification through social media platforms, particularly Facebook and

TikTok, as illustrated in the disinformation and “red-tagging” campaigns in the Philippines, and the online hate speech on race and religion in Malaysia to intimidate and threaten opponents ahead of the election in 2022. In the Philippines, high profile female lawmakers and candidates were also targeted with intense online misogynist attacks and harassment to undermine their credibility and image in the elections.

Parliament plays a key role in providing oversight of the government in a functioning democracy. It is therefore of the utmost importance to ensure that parliamentarians are able to carry out their mandate without fear of reprisals from the government. In view of the growing risk faced by parliamentarians in the region, APHR calls on all stakeholders and international partners to step up collective efforts in protecting parliamentarians at risk in the region.

## TO THE MYANMAR MILITARY

- Respect the results of the 2020 elections and return power to the elected government;
- Immediately end all crimes against humanity and war crimes, including attacks on civilians and hold all perpetrators to accountable;
- Immediately impose a moratorium on executions and commute all death penalty sentences;
- Immediately put an end to extra-judicial killings, arbitrary arrests, torture or other ill-treatment and other human rights violation against people across Myanmar.
- Release all detained lawmakers and all other political prisoners detained arbitrarily since the coup;
- Allow humanitarian assistance from local and international organizations to be provided across the country without impediment;
- Immediately end the state of emergency proclaimed since the COVID-19 pandemic; and
- Allow visits to the country by the UN Special Rapporteur on the situation of Human Rights in Myanmar, Tom Andrews, the Special Envoy of the Secretary-General on Myanmar, Noeleen Heyzer, and the ASEAN Special Envoy on Myanmar in order to meet with all stakeholders, including the National League for Democracy and Aung San Suu Kyi.

## TO CAMBODIA, THAILAND, THE PHILIPPINES, AND MALAYSIA

- To immediately end all forms of politically motivated harassment of opposition lawmakers, including the use of criminal charges, threats, surveillance, disinformation, and ensure MPs are able to fulfill their mandate effectively and without fear of reprisal;
- Immediately drop all politically motivated investigations and charges against lawmakers, including those documented in this report;
- Ensure that prompt, impartial and thorough investigations are carried out into allegations of such threats and harassment and the perpetrators held to account;
- Ensure that parliamentary immunity and the right to freedom of expression for all parliamentarians are effectively upheld;
- End all use of threatening, sexist, and misogynist rhetoric against lawmakers, and take concrete steps to prevent gender-based harassment from occurring again in the future, including by holding perpetrators to account;
- Publicly condemn “disinformation” campaigns targeting lawmakers online, and develop comprehensive plans to curb such disinformation through collaboration with media outlets, civil society, social media platforms, national human rights institutions, and other stakeholders;
- Initiate reforms of all laws that have been identified as restricting the rights to freedom of expression, association and peaceful assembly with a view to bringing them in line with international human rights law and standards;
- Urgently end all attacks and drop all politically motivated charges against human rights defenders, media and peaceful political activists; and
- Enact or amend legislation ensuring that the responsibility of declaring states of emergency lie with elected assemblies, that the suspension of parliament during emergencies is illegal and all emergency decrees/laws are in line with international human rights law and standards.

## TO PARLIAMENTARY SPEAKERS AND PARLIAMENTARY HUMAN RIGHTS STANDING COMMITTEES ACROSS ASEAN MEMBERS

- Ensure that all parliamentarians are able to carry out their parliamentary mandate effectively and without fear of retaliation, and that the right to freedom of expression for all parliamentarians is effectively upheld; and
- Ensure that systematic protection measures, including parliamentary immunity, are promptly granted and effectively put in place by the relevant authorities whenever parliamentarians are under threat.

## TO PARLIAMENTARIANS IN SOUTHEAST ASIA

- Use your position in parliament to ask your government about actions it is taking on crimes against humanity and human rights violations documented in this report, including to address the humanitarian and human rights crisis in Myanmar;
- Systematically call for the immediate and unconditional release of all those detained arbitrarily, including parliamentarians in Myanmar and Former Senator Leila de Lima in the Philippines; and
- Work to repeal or amend all laws that have been identified as restricting the rights to freedom of expression, association, and peaceful assembly with a view to bringing them in line with international human rights law and standards.
- Exercise your oversight function to hold accountable state institutions who abuse government resources in sponsoring harmful disinformation campaigns or information operations.

## TO ASEAN AND ITS MEMBERS STATES

- Acknowledge that the Five-Point Consensus has failed and that Min Aung Hlaing's junta is not a reliable partner. ASEAN should abandon the Five-Point Consensus in its present form;
- Publicly recognize that the 2020 elections in Myanmar were reflective of the will of the people and that the CRPH and the NUG are the legitimate representatives of the people of Myanmar. Renegotiate a new agreement on the crisis in Myanmar with the NUG and representatives of ethnic armed organizations. Provide the new agreement with enforcement mechanisms;
- Change the mandate and appointment mechanism for the Special Envoy to Myanmar so that the Special Envoy is appointed by all ASEAN members, and represents and is accountable to all ASEAN members instead of just the rotating Chair of ASEAN;
- Review the mandate of the ASEAN Humanitarian Assistance (AHA) Center, reinforce its funding and logistics capacities, and include pro-democracy forces in its deliberations and work with them in delivering humanitarian assistance;
- Publicly and forcefully condemn the widespread crimes against humanity and human rights violations by the junta. Publicly call for an immediate end to such violations and the release of all those arbitrarily detained, including lawmakers;
- Ensure that no ASEAN actors or institutions are used to afford the Myanmar junta legitimacy, including by not extending invitations to junta officials at ASEAN official meetings, such as

ASEAN Summit or the General Assembly by the ASEAN Inter-Parliamentary Assembly;

- Support, in speech and action, international calls for a global arms embargo on Myanmar and targeted sanctions on military officials implicated in human rights violations and economic entities affiliated with them, as well as all international justice efforts related to Myanmar, including ongoing processes at the International Criminal Court and the International Court of Justice; and
- Grant asylum and give legal protection to refugees fleeing Myanmar, including Rohingya and members of other ethnic groups who fled before the coup.

### **TO INTERNATIONAL PARTNERS, ESPECIALLY ASEAN DIALOGUE PARTNERS**

- Acknowledge that the CRPH and the NUG are the legitimate representatives of the people of Myanmar and allow representatives of the CRPH, the NUG, ethnic armed organizations, and other pro-democracy activists free movement by issuing visas and special passports, if necessary, so that they can travel to lobby their cause;
- Isolate the SAC of Myanmar diplomatically by keeping any and all junta representatives out of all high-level official meetings;
- Suspend any and all military-to-military cooperation with the Myanmar military;
- Impose coordinated and targeted sanctions on the junta, especially the Myanmar Oil and Gas Enterprise (MOGE). Improve international coordination in sanctioning the junta by establishing a multinational task force;
- Allow the NUG to open delegations in other countries and international organizations, such as the EU and ASEAN, and use those delegations as conduits for EAO leaders to engage foreign countries in dual-track diplomacy;
- Use all available means to pressure military officials in Myanmar to end all crimes against humanity, war crimes, human rights violations, release those arbitrarily detained, and respect the results of the 2020 elections while ensuring that perpetrators are held to account through international justice processes;
- Significantly increase the funding and resources allocated to humanitarian assistance in Myanmar. Work with Myanmar's civil society as much as possible, particularly along the Thai and Indian borders; aid should be channeled through local civil society organizations and ethnic armed organizations; and
- Use all available means to persuade other governments in Southeast Asia to respect human rights and democratic principles, including by ending all politically motivated harassment of opposition lawmakers.

## TO SOCIAL MEDIA COMPANIES AND BIG TECHS

- Strengthen efforts globally and in Southeast Asia to monitor and prevent disinformation, hate speech, misogynist attacks, and other forms of harassment, including by strengthening monitoring in local languages, especially abuse directed against lawmakers in particular female lawmakers; and
- End harmful business models, in particular the invasive use of people's personal data to feed higher engagement at the expense of democracy, and generating social and political divisiveness and attacks to human rights.

# PARLIAMENTARIANS AT RISK:

## Reprisals against opposition MPs in Southeast Asia in 2022

---

---

The year 2022 saw a worsening trend for parliamentarians at risk in the region, particularly in Myanmar. One lawmaker was tortured to death in detention and a former lawmaker was executed together with three political prisoners in Myanmar. The number of parliamentarians detained across Southeast Asia remains high at 85, with 84 in Myanmar and former senator Leila de Lima in the Philippines.

Increased reports of widespread crimes against humanity, war crimes and the use of torture and ill-treatment against political prisoners in Myanmar posed an imminent threat to the mental and physical integrity of all detained lawmakers. This dire state of crisis warrants urgent and effective interventions from the international community.

Human rights restrictions and violations against parliamentarians, by using emergency laws and regulations declared during the COVID-19 pandemic, continued despite the pandemic being gradually brought under control in most countries.

Judicial harassment continued as the main form of threat confronted by parliamentarians and former parliamentarians in Thailand, Malaysia, and the Philippines, and intensified in Cambodia with a series of mass trials of opposition leaders and supporters ahead of the commune elections in 2022 and the general elections in 2023.

Parliamentarians across the region were also increasingly subjected to intimidation and harassment in the form of online disinformation, hate speech and attacks, particularly in the Philippines and Malaysia before and during national elections. Online misogynist attacks were prevalent in the Philippines and they intensified in the elections to undermine the credibility of women lawmakers and candidates, especially those who were known to be vocal in holding the powers-that-be accountable.