

Myanmar

Foreign Nationals and the Death Penalty

Death Penalty Overview

In July 2022, four individuals were sentenced by military tribunal and executed in Myanmar; the first executions to take place in the country since 1988. Of the four individuals executed, one was Phyo Zeya Thaw, a former member of Aung San Suu Kyi's National League for Democracy, and the other was prominent democracy activist Kyaw Min Yu (Amnesty International 2022).

SOME STATISTICS: (Amnesty International 2021)

	Executions	Death Sentences	Known number on death row
2017	0	2	+
2018	0	9	+
2019	0	4	+
2020	0	1	+
2021	0	86	86
2022	4	139 (since 1 Feb 2021)	+

'+' indicates that the figure that Amnesty International has calculated is a minimum.

Where '+' is not preceded by a number, this means that Amnesty International is confident that there was more than one execution, but it was impossible to establish a figure

Less than two years earlier, on 17 April 2020, the then President U Win Myint granted mass pardons and commuted all death sentences to life imprisonment as part of the Myanmar New Year celebrations. Myanmar's de-facto abolitionist status, however, quickly came to an end when the coup d'état began in February 2021. Since then, the death penalty has been a key tool of the military to persecute, intimidate and harass all those in opposition to the military authorities. Those sentenced to death increased from 1 in 2020 to an estimated 139 since February 2021 (Amnesty International 2022), when legislation facilitating greater resort to the death penalty was adopted. Executions are administered via hanging and laws punishable by death include treason, rebellion, drug trafficking, human trafficking, and some violent crimes.

Since the military authorities took control, death sentences have primarily been administered following secretive military tribunals that fail to uphold international fair trial standards, including sentencing people to death *in absentia*; in 2022, for example, 10 individuals were sentenced to death, including 7 university students, after closed-

door trials (Human Rights Watch 2022). UNHR (2022) reported that close to 1,700 detainees of the nearly 16,500 who have been arrested for opposing the military coup have been tried and convicted in these secret ad hoc tribunals. Furthermore, as of 24 May 2022, Myanmar is thought to be holding at least two individuals on death row for crimes committed under the age of 18 (one of only three countries) (Amnesty International 2021). Myanmar's sudden increase in executions seems at odd with it's 2022 vote in favour of a moratorium on use of the death penalty at the UN General Assembly, especially having abstained from voting on the matter in the previous three assemblies (World Coalition Against the Death Penalty 2022).

Foreign Nationals

Reliable data on foreign nationals on death row in Myanmar is hard to come by, although Myanmar's military coup in February 2021 saw thousands of foreign nationals jailed. In 2022, state media announced that foreign nationals were to be among the nearly 6,000 to be freed in a so-called amnesty on Myanmar National Day.

Myanmar's position within 'the Golden Triangle', where over one-quarter of the world's heroin is produced, and the UN Office on Drugs and Crime report that the cultivation of opium poppies has increased every year since 2006 (Mayberry 2015) mean foreign nationals can be caught working as drug mules in Myanmar. There are reports of foreign nationals, including from China and Nepal on death row for drug offences in Myanmar.

Harm Reduction International (2022) note that Myanmar was the only retentionist country for drug offences to change its position in favour of a moratorium on the use of the death penalty for drug offences at the UNGA in 2022. Those awaiting execution for drug-related crimes have been reported in the past in Myanmar, but mass pardons and commutations regularly occur.



Acknowledgements

With special thanks to the following organisations and individuals who lent their considerable assistance and expertise towards this research in Myanmar: Harm Reduction International, Pramod Acharya, Francesca Rigg, among others.



Death Penalty Research Unit, University of Oxford

For more research see:

foreign-nationals.uwazi.io or tinyurl.com/mappingdeathrow