

**Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Working Group on Arbitrary Detention; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the rights to freedom of peaceful assembly and of association.**

REFERENCE:  
UA MMR 3/2021

16 March 2021

Dear Madam, Sir

We have the honour to transmit this communication to the attention of the Republic of the Union of Myanmar in our capacity as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Working Group on Arbitrary Detention; Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 43/14, 42/22, 44/5 and 41/12,

In this connection, we would like to bring to the attention of Myanmar information we have received concerning the **forced eviction of about 960 railway workers in Yangon/Myanmar and the alleged arbitrary arrest of some residents and intimidation, including through death threats, of railway workers and their families that took part in a nationwide general strike against the military regime that ousted on 1 February 2021 the democratically elected Government.**

According to the information received:

On 10 March 2021 police and soldiers evicted during a raid affecting about 960 Myanmar Railway workers from a railway workers housing compound located in the Mingalar Taung Nyunt neighbourhood of Yangon.

At about 6 AM police and soldiers started to block all exits and entrances of a Railway staff housing compound in Yangon's Tarmwe Township, close to the Ma Hlwa Gone railway station.

The raid and evictions on the railway's workers homes came after several Myanmar unions, had issued a joint call for a nationwide general strike, in which many railway workers participated.

Shortly after the raid began in the early morning, about 50 police officers entered the compound from the east and the main entrance on the western side was blocked by army trucks and a large number of soldiers. At about 11:30 AM, reportedly another 40 police officers arrived at the compound in six vehicles, and by late morning a total of 15 military vehicles, five police cars, and hundreds of police personnel and soldiers had surrounded the compound and blocked all exits.

The police reportedly initially arrested some residents, and by noon began to forcibly evict everyone, announcing that their homes would be bulldozed and that they and their families would be shot and killed if they refused to leave.

Police officers and soldiers who stormed the housing compound reportedly confiscated rice and other goods that had been donated by the public for railway staff taking part in the civil disobedience movement against the military.

Before evictions started, many residents fled the compound with their belongings hastily packed into plastic bin bags, fearing they would either be arrested or forced to return to work.

Many of the evicted railway workers and their families have nowhere to go, and are worried about keeping children and elder relatives that live with them safe. Reportedly, several of the families evicted had to flee as well the places in which they took refuge after military officers followed them.

After the eviction, soldiers remained in the compound and indicated that they would only allow railway workers to return to their housing, if they would hand over to them the leaders of the strike and civil disobedience movement.

Reportedly, railway workers in Myanmar have also in other instances been forced at gunpoint by police or military to return to work. There have also been reports of forced evictions in other parts of Myanmar, including in Chin State (Hakka and Falam), Sagaing State (Homalin), and Shan State (Taunggyi). Live rounds have also been shot at random at private homes of people in certain neighborhoods causing many to fear for their lives.

These human rights violations form part of a range of intimidation tactics on pro-democracy protesters by the Myanmar military and police, which have included arbitrary detentions, summary executions and the killings of protesters, which show an increasing systematic and widespread pattern.

While we do not wish to prejudge the accuracy of the information received, we would like to express our concern about the raid and forced eviction of 960 residents living in the railway workers compound, the reported arrest of some residents and the intimidation, including through death threats, of railway workers exercising their right to peaceful assembly. The evictions and detentions appear to have been undertaken as a reprisal against railway workers for their participation in a general strike in protest against the military coup on 1 February 2021.

The United Nations consider forced evictions as a gross violation of human rights, in particular the right to adequate housing and other human rights (see Commission on Human Rights resolution 1993/77). In this connection we would like to alert Myanmar to article 11 on the right to adequate standard of living of the International Covenant on Economic, Social and Cultural Rights, ratified by Myanmar

in 2017 and to General Comment No. 4 by the Committee on Economic, Social and Cultural Rights on the right to adequate housing which states that “instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law.”

General Comment No. 7 of the Committee on Economic, Social and Cultural Rights on forced evictions further stipulates that forced evictions are only permissible under international human rights law in exceptional circumstances and after all procedural protections have been met. This includes inter alia the exploration of all feasible alternatives to avoid evictions, genuine consultation with the affected residents and tenants, adequate and reasonable notice, adequate compensation for any loss of property, alternative accommodation made available in a reasonable time, and provision of legal remedies and legal aid. Evictions should furthermore never result in individuals being rendered homeless or vulnerable to the violation of other human rights (paragraphs 13, 15 and 16).

Moreover, without expressing at this stage an opinion on the facts of the case and on whether the reported detentions were arbitrary or not, we would like to appeal to the State of Myanmar to take all necessary measures to guarantee the right of the detained person in this case not to be deprived arbitrarily of his liberty, in accordance with article 9 of the Universal Declaration of Human Rights. Detention for the exercise of the rights or freedoms guaranteed by articles 7, 13-14 and 18-21 of the Universal Declaration of Human Rights may be arbitrary. Equally, the deprivation of liberty may be arbitrary if it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings.

We would also like to reiterate that, according to the Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of His or Her Liberty by Arrest or Detention to Bring Proceedings Before Court, the right to challenge the lawfulness of detention before a court is a self-standing human right, the absence of which constitutes a human rights violation.

We wish to reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States to refrain from imposing restrictions, including on discussion of government policies and political debate; reporting on human rights, engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

We also wish to highlight the importance of the rights to peaceful assembly and of association in accordance with article 20 of the Universal Declaration of Human Rights, which are rooted in the role they play “as a platform for the exercise of other rights, inter alia the right to freedom of expression, cultural rights and the right to political participation” (A/61/267, para 9). No restrictions may be placed on the right of peaceful assembly and of association unless they comply with the

principles of necessity (and exercised with due proportionality and non-discrimination). These interests are limited to interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

In relation to the allegations that members of the police and army threatened to kill railway workers and their families, we highlight that the right to life under article 3 of the Universal Declaration of Human Rights, constitutes a jus cogens norm that is universally binding at all times and that there is a positive obligation on States to prevent arbitrary deprivation of life by their law enforcement officials.

The forced evictions, arbitrary detentions and killings of civilians by military and police officers form part of an disturbing emerging pattern of systematic and widespread human rights violations against the civilian population of Myanmar, and may thus incur criminal responsibility under international law. States may therefore investigate and prosecute any commander or perpetrator responsible for these acts, including under the principle of universal jurisdiction.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by Myanmar to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for Myanmar's observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please indicate the legal basis for the evictions under national law and to what extent the evictions may have violated or been compatible with international human rights standards, including article 11 of the International Covenant on Economic, Social and Cultural Rights and General Comment No.7 of the Committee on Economic, Social and Cultural Rights.
3. Please indicate the legal basis for the arrests of some residents, charges against them, the current state of proceedings and whether they have legal assistance.
4. Please indicate any measures Myanmar has undertaken to hold accountable the police and military officers who participated or ordered the arbitrary arrests, intimidation, including death threats and reported forced evictions of railway workers.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We will publicly express our concerns as well, as in our view, the information is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. Any public statement will indicate that we have brought our concern to the attention of Myanmar to clarify the issue/s in question.

We would like to inform Myanmar that after having transmitted this allegation letter, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such letters in no way prejudice any opinion the Working Group may render. Myanmar is required to respond separately for the urgent appeal procedure and the regular procedure.

This communication and any response received from Myanmar will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Yours sincerely,

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