

Aziz Aluthman Fakhroo

Managing Director and Chief Executive Officer
Ooredoo Q.P.S.C.

Cc: Rajeev Sethi
Chief Executive Officer
Ooredoo Myanmar Limited

Cc: Bharat Vagadia
Head of Public Policy and Regulatory Affairs
Ooredoo Group

Cc: Board of Directors
Ooredoo Group

11 August 2022

Re: Request for engagement on reported sale of Ooredoo Myanmar

Dear Mr. Aziz Aluthman Fakhroo,

We, the undersigned organizations, work to protect, promote and defend human rights in Myanmar, particularly in the digital arena.

We are writing regarding reports emerging about the sale of Ooredoo Myanmar. We seek constructive engagement and dialogue with your office to support you in upholding your responsibility to respect human rights and risk assessment in the course of this sale.

This letter refers to and follows up on Access Now's letter to Mr. Rajeev Sethi of July 21, 2022 (*attached*).

We agree with Ooredoo's [public statement](#) that you have an important role to play in bridging the digital divide in Myanmar. [Disposal](#) of your operations in Myanmar without a thorough and consultative human rights due diligence process will, however, place the people in Myanmar at serious risk and worsen this digital divide by failing to facilitate remedies for rights violations and allowing for continuing and increased transgressions by a potential successor operator.

This could not only result in potential human rights violations, but will likely lead to reputational costs for Ooredoo, and not necessarily end Ooredoo's association with its assets in Myanmar. This was evident from the exit of Telenor Myanmar – which led to criticism from its [investors](#), [Norwegian Members of Parliament](#), Norwegian [press](#) and [civil society](#), [international legal experts](#). Telenor remains engaged in [accountability processes](#) for their [failure](#) to comply with [responsible business conduct principles](#).

To avoid this, we urge Ooredoo to immediately conduct human rights due diligence in line with the [UN Guiding Principles for Business and Human Rights](#) and the [OECD Guidelines for Multinational Enterprises](#). In conducting this assessment, we strongly urge Ooredoo to directly engage with representatives from civil society who have been monitoring and pushing back against digital rights challenges in Myanmar – including our organizations who have expertise with respect to the ICT sector on human rights compliance and international standards. We are keen to speak with your office and also share contacts with other stakeholders who can provide advice and direction on human rights safeguards.

To guide this engagement and assessment, we encourage Ooredoo to take the following points into account.

Recommendations to Ooredoo

Consistent with your responsibility to respect human rights, Ooredoo should take measures to protect its workers, including those in its supply chain; its customers/users, and the communities where they operate their offices and infrastructure (collectively referred to here as “stakeholders”). In doing so, we recommend the following approach:

1. **Public policy commitment to international human rights and responsible business standards**, including, in particular, acknowledgment of the corporate obligation to avoid causing or contributing to adverse human rights impacts and attempt to prevent or mitigate negative impacts when exiting Myanmar. These should be set out in publicly available human rights policies, in accordance with Principle 16 of the *UN Guiding Principles for Business and Human Rights* ('UNGPs') and reference rights set out in, amongst others, the *Universal Declaration of Human Rights*; the *International Covenant on Economic, Social and Cultural Rights*; the *International Covenant on Civil and Political Rights*; and the International Labour Organization's *Declaration on Fundamental Principles and Rights At Work*.
2. **Conduct heightened human rights due diligence to comply with your corporate responsibility to respect human rights in a conflict-affected context such as Myanmar.** The risk of gross human rights abuses is heightened in a conflict-affected context. Ooredoo's human rights due diligence in relation to the ongoing talks to sell its Myanmar operations must

therefore be heightened and involve four components, in accordance with Principles 17 to 21 of the UNGPs:

- Assessing actual and potential adverse human rights impacts of a decision to sell, including assessment of the nature of potential buyers;
 - Integrating and acting upon the findings of such an assessment, including appropriate action to address adverse impacts;
 - Tracking the effectiveness of responses, including through engagement with stakeholders; and
 - Communicating externally on how adverse impacts are addressed, in a regular, transparent and accessible manner to all stakeholders.
3. **Engage with stakeholders in a continuous and transparent dialogue, including disclosing to them how Ooredoo will respect the people's rights to privacy, expression, information, association and security.** This engagement may include collaboration on and disclosure of steps that stakeholders can take to protect themselves from potential rights violations, including in connection with their customer data, that may arise as a consequence of the sale.
4. **Immediately establish an effective, secure and easily accessible communication platform where stakeholders can raise risks, threats, and other urgent concerns** that may arise in relation to a potential sale of Ooredoo's operations in Myanmar. This mechanism should be supported by a transparent commitment to immediately engage with concerned stakeholders to come up with mitigation or remedial measures to address potential adverse human rights risks, threats and other urgent concerns.

In particular, these following measures should guide Ooredoo in a potential exit from Myanmar:

5. **Thoroughly vet potential buyers** to ensure that the buyer has:
- A demonstrated commitment to operating responsibly in accordance with international human rights standards, including transparent engagement with stakeholders;
 - No record of being involved or implicated in human rights abuses or corruption;
 - No links to sanctioned individuals, members of the military junta or their families, or individuals whose investment is obtained through illegal activity, including sanctioned activity;
 - A demonstrated ability and commitment to ensure uninterrupted, accessible, affordable, and effective rights-respecting service to the people of Myanmar, including a commitment to pursue legal means to push back against military orders when these do not comply with the international legal principles of legality, necessity, and proportionality.

6. **Take immediate steps to set in place adequate and effective safeguards to protect the rights of Ooredoo's customers within Myanmar, ahead of any exit.** These include:
- Setting in place operational, technical or other safeguards to prevent personal data of Ooredoo's customers from being transferred to the control of the Myanmar military;
 - Implementing data protection and privacy safeguards which are effective and adequate to protect against military orders for illegitimate access to customers' data prior to or during a sale process;
 - Publicly and transparently informing customers and the public about the due diligence, management, and protection measures that are in place or which will be instituted to protect user data during and after the cessation of Ooredoo's operations in Myanmar, including transparent engagement with stakeholders to discuss or advocate for possible legal reforms that comply with international law and human rights standards;
 - Setting in place operational, technical or other safeguards to protect against the abuse of any surveillance technologies which currently or are reasonably foreseeable to be abused for illegitimate surveillance by the Myanmar military – including intercept and/or dual use technologies.
7. **Commit to provide support, remedy, and compensation for adverse human rights impacts arising from a sale,** in accordance with Principle 22 of the UNGPs. This should be based on a clear mapping by Ooredoo of all possible adverse human rights impacts imminent from a sale, informed by, and in collaboration with stakeholders, and address current and potential sanctions. Such a commitment should include:
- Setting up grievance mechanisms that are independent, impartial, effective, accessible and secure for complainants, with clear provisions on compensation, reparations, and protection, and where mechanisms are made available publicly to customers and the public at large. Such grievance mechanisms should be in jurisdictions with stronger civil and political protections; and
 - Implementing measures preventing reprisals against complainants or staff, including through consultation with independent experts and civil society on potential adverse incidents, security training and data protection and privacy best practices.

We look forward to hearing from you, and are committed to engaging with Ooredoo on potential steps forward to protect human rights in Myanmar.

Yours sincerely,

Access Now

Ananda Data

Athan

Digital Rights Collective

Free Expression Myanmar

[Att.]



21 July 2022

Rajeev Sethi

Chief Executive Officer
Ooredoo Myanmar

cc: Aziz Aluthman Fakhroo
Managing Director and Chief Executive Officer
Ooredoo Group

Re: Request for engagement on reported sale of Ooredoo Myanmar

Dear Mr. Rajeev Sethi,

I write on behalf of [Access Now](#), an international organisation that works to defend and extend human rights in the digital age.

As you are aware, people in Myanmar have been living under increasingly dangerous and restrictive conditions since the military coup in early 2021. Our organisation has been supporting those in Myanmar by providing recommendations to various stakeholders — including in the telecommunications and technology sectors — on how to ensure protection of their rights amidst extremely challenging conditions.

We write to your office on reports emerging about the sale of Ooredoo Myanmar — potentially to actors linked to the Myanmar military. Ooredoo is the last remaining internationally-owned telecommunications operator in Myanmar, and we are alarmed about human rights risks imminent from this sale. We would like to explore with your office ways to mitigate and protect against these risks.

According to a [Reuters report](#) yesterday (July 20), Ooredoo Myanmar has informed the Myanmar authorities of your intention to sell your Myanmar operations. Potential buyers reportedly include Myanmar conglomerate Young Investment Group, Singapore-headquartered network infrastructure operator Campana Group and telecommunications company SkyNet, owned by Myanmar group Shwe

Than Lwin. As of [today](#), it is apparent Myanmar's Post and Telecommunications Department — the body tasked with regulatory oversight — has not acknowledged receipt of a sale request from Ooredoo.

We are troubled to see that some of these named potential buyers appear to have links to the Myanmar military. Shwe Than Lwin, the company that owns SkyNet, is owned by [Kyaw Win](#) who has clear links to high-ranking members of the Myanmar military, and was [previously subject to EU sanctions](#). Young Investment Group, owned by [Thiha Aung](#), is established in the gems industry – where the Myanmar military has [significant control and interests](#). We are privy to information that indicates Shwe Than Lwin and Young Investment Group are linked to entities and individuals currently subject to international sanctions.

Prior to yesterday's report, we had received reports that a sale would require significant lay-offs of current Ooredoo Myanmar staff to bring in employees linked to the Myanmar military to ensure direct control over internet and phone services in the country. If true, this will have serious implications on the rights to privacy and security of Ooredoo's users.

We were also informed that the sale will result in further curtailment of internet access for individuals as data usage costs for Ooredoo Myanmar customers will significantly increase. This will widely impact on rights linked to internet access — including freedom of expression and association.

In this light, we would like to request a meeting with you or your office in order to:

- 1. Clarify the accuracy of reports regarding the sale of Ooredoo Myanmar and the conditions of this sale;**
- 2. Clarify the extent of due diligence Ooredoo has conducted on the human rights records of potential buyers, and compliance with the spirit and letter of sanctions regulations;**
- 3. Explore actions to mitigate and protect against the imminent human rights risks that may arise from such a sale, including through urgent engagement with civil society.**

As you are aware, the military junta has been implicated in [gross human rights violations](#) in Myanmar, which have been facilitated and supplemented by a [digital coup](#). The military is enforcing internet shutdowns, increasing barriers to internet access, expanding video surveillance systems in cities, abusing legal tools, spreading hate speech online, and exploiting social media platforms and messaging tools to target people and propagate violence on the ground. This [digital dictatorship](#) has been fortified by increased military pressure on the telecommunications sector and [demands](#) to activate intercept surveillance technologies within telecommunications networks. Military business interests are profiting from [increasing dominance](#) of the telecommunications sector — in potential violation of sanctions regulations.

Ooredoo Myanmar currently remains the only telecommunications service provider in Myanmar not directly linked to the military. If this reported sale goes through, military control over the sector will be cemented – with extremely dire consequences not only on your customers, but people across the country. Not only can intercept surveillance technologies and telecommunications data be abused to monitor individual Ooredoo customers, it can also lead to assaults against family members, friends and other contacts through the targeting of one person.

We have previously called on you to improve your human rights practices including by making a [commitment to respect your users' rights](#) to privacy and free expression, and providing transparency on [how you respond to government requests](#) to block content or shut down networks. Over the years, Ooredoo has made some improvements, notably releasing a privacy policy. As the only telecommunications provider in Myanmar without direct links to the military, Ooredoo is in an important position to protect the digital rights of people in Myanmar, and the steps you take on these issues matter.

This is why, in spite of the [immense pressures](#) Ooredoo Myanmar may be under on the ground, we implore your office to take all possible measures to uphold your responsibility to protect human rights. We agree with [your own statement](#) that Ooredoo Myanmar has an important role to play in bridging the digital divide in the country by providing internet access to people wherever they are. By selling your operations to the Myanmar military, you are enabling an entity that will not only deepen the digital divide and leave your users in Myanmar without recourse, but curtail their rights further – both online and off.

As a first step, we urge you and your office to directly engage with representatives from civil society who have been monitoring and pushing back against digital rights challenges in Myanmar in your decision-making processes. In this vein, we are keen to speak with your office and also share contacts with other stakeholders who can provide advice and direction on human rights safeguards.

Meanwhile, we urge your company to cancel or pause any efforts to sell Ooredoo Myanmar, and immediately conduct human rights due diligence in line with the [UN Guiding Principles for Business and Human Rights](#). We also urge Ooredoo Myanmar to take immediate steps to set in place safeguards to prevent personal data of your customers from being transferred to the control of the Myanmar military.

Considering the urgency of this matter, we would greatly appreciate a response by **28 July 2022**.

We look forward to hearing from you, and are committed to engaging with Ooredoo on potential steps forward to protect human rights in Myanmar.

Yours sincerely,

Raman Jit Singh Chima

Senior International Counsel and Asia Pacific Policy Director

Access Now | <https://www.accessnow.org>