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Human rights situations that require the Council's attention

Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[7 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

Human Rights situation in Myanmar

One year ago, on 1 February 2021, the military launched a coup against the democratically-elected government that opened another bloody chapter in Myanmar's history. Since then, the military has proceeded to drive the country's economy to the brink of collapse while committing atrocities against its people on a widespread and systematic basis.

A year after, Burmese Rohingya Organisation UK (BROUK) and Society for Threatened Peoples (STP) have assessed the coup's devastating impact. During the past 12 months, there has been a constant flow of horrific news coming out of Myanmar. More than 1,500 people have been killed in protests, crackdowns and massacres. In one recent incident in Kayah State, the army massacred some 35 civilians on Christmas Eve, including women and children and two aid workers.

Thousands more have been arrested and held in detention, where the military routinely uses torture to intimidate protesters. Another 320,000 refugees have been forced to flee their homes, in addition to approximately 340,000 already displaced before the coup. Of more than 11,000 persons arbitrarily detained, some 8,000 remain in prison. There is no reliable information available concerning the number of civilian victims of military attacks on towns and villages but there have been numerous reports of killings, pillage and destruction.

Meanwhile, the economy has gone into a severe decline and healthcare and education services have ceased to function. While senior Army general Min Aung Hlaing, head of the Myanmar military, has delusional notions of bringing in new electric trains to expand the national public transport network, the rest of the country suffers crippling power cuts on a daily basis.

The military acts with scant regard for international humanitarian law: during the past year it has blocked vital humanitarian assistance, subjected aid agency workers to arbitrary detention, destroyed food supplies, confiscated relief supplies and refused local, national and international humanitarian relief organisations permission to operate.

Heavy shelling and large-scale air attacks on opponents to the Military's rule continue, in Karen, Kachin and Karenni States in particular. Villages have been burned down, civilians slaughtered and detainees tortured. The casualties often include children. The civilian population has been subjected to systematic terrorisation on the orders of General Min Aung Hlaing, the man responsible in 2017 for organising the mass murder of members of the Rohingya minority that has been described as genocide by UNOHCR's Independent International Fact-Finding Mission.

In Rakhine State, confined within what is effectively an open-air prison, the Rohingya minority are experiencing the continuation of that genocide. The military arrests Rohingya who try to escape to Bangladesh and imposes ever tighter restrictions on freedom of movement. Civilians often find themselves caught in the crossfire of a simmering conflict between the military and the Arakan Army armed resistance.

The Tatmadaw, as Myanmar's armed forces are officially known, has for decades terrorised their country's citizens with acts of genocide, crimes against humanity and war crimes. They have enjoyed absolute impunity, confident that their crimes would have no consequences. Fortunately, there have been signs of real progress having been made in recent years. In 2019, the International Criminal Court (ICC) announced that it was opening an investigation into crimes against humanity committed by the Tatmadaw against the Rohingya. Around the same time, The Gambia brought a genocide case against Myanmar before the International Court of Justice (ICJ). These ongoing proceedings have brought hope to the military's many victims

Last year, the judiciary in Argentina allowed a landmark genocide case to be brought against Myanmar's military leadership. The case, instigated by BROUK, is based on the legal principle of universal jurisdiction, according to which certain crimes are so harmful to the international order that states are allowed, and even required, to bring criminal proceedings, regardless of the location of the crime or the nationality of the perpetrator or the victim.

It is encouraging that many of Myanmar's civilian leaders who previously rejected any efforts to bring military criminals to justice now see the need to hold the Tatmadaw to account. The National Unity Government, established in the wake of the coup, has said that it will cooperate with international justice mechanisms. The people of Myanmar stand united in wanting to see their military tormentors behind bars.

This pressure is making the Tatmadaw leadership increasingly nervous. In December, an order was leaked to the media in which the military leadership instructed staff not to respond to letters from international justice bodies or from Argentina's Federal Court.

Although justice is increasingly looking within reach, there remains much more that the international community can and should do. For years the United Nations Security Council has been deadlocked, with China continuing to veto motions on Myanmar. The Security Council must stop putting politics above people's lives and approve a full referral of the situation in Myanmar to the ICC.

The Independent Investigative Mechanism for Myanmar is watching events closely and working to fulfill its mandate. Those who may be considering committing crimes should be aware that there is no statute of limitations for serious international crimes. The people of Myanmar have suffered for too long, they deserve justice, and nothing less.

Accordingly, our organisations call upon the UN Human Rights Council and its member States

- to urge the Myanmar military to halt its reign of terror immediately, failing which effective, co-ordinated, economic sanctions and an embargo on arms sales must be imposed in order to force the Tatmadaw to stop its brutal attacks on the people;
- to join with all other international agencies and institutions in showing the Military that they stand united in condemning its crimes and that those responsible have nowhere to hide. Min Aung Hlaing and his associates must answer for their crimes before a court of law,
- to do all in their power to increase the amount of international humanitarian assistance reaching the internally displaced in particular but also the ethnic and religious minorities in Myanmar, using civilian channels that the military are unable to block;
- to induce the UN Security Council to refer the case of Myanmar to the International Criminal Court in The Hague, so that the perpetrators of genocide and crimes against humanity can be determined;
- to follow the example of Canada and the Netherlands in pledging support for Gambia's case before the ICJ.

Burmese Rohingya Organisation UK, NGO(s) without consultative status, also share the views expressed in this statement.