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Human rights situations that require the Council's attention

Written statement* submitted by Human Rights Now, 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.

The International Community Must do More to Help End the Serious Human Rights Violations Committed by Myanmar's Junta and Military

Human Rights Now, a Tokyo-based international human rights NGO, strongly condemns the human rights violations perpetuated by the Myanmar junta in its attacks against protestors, politicians, activists, journalists, and other civil society, including unjustified killings and torture, as well as the wide-spread violence committed by Myanmar's military against civilians, all of which is still continuing with impunity more than a year after the military coup on 1 February 2021. The international community must do more to help end these violations by implementing sanctions and a weapons embargo, facilitating accountability, and promoting transnational companies to withdraw from Myanmar.

I. COUP-RELATED CRACKDOWNS ON MYANMAR CIVIL SOCIETY

A. Attacks on Civil Society and Protestors

Since its coup in February 2021, Myanmar's junta has targeted protestors supporting the democratically elected government with relentless brutality. According to the watch-group AAPP, as of 7 February 2022, 1,519 people have been killed by the junta, many of them protestors and more than 100 of them children according to a National Unity Government (NUG) ministry.[1] One NGO has compiled data from multiple news reports and human rights NGO publications indicating about 12,000 may have been killed in total since the coup.[2] On 27 March 2021, more than 100 people were killed by the junta in a single day, one of the deadliest days on record.[3]

At least 11,787 people have been arbitrarily detained for opposing the military through peaceful protests or online activities, of whom 8,792 remain in custody, and at least 290 have died in detention, many likely from torture.[4]

B. Attacks on Political Actors

The junta has also targeted members of its main political opposition, the National League of Democracy (NLD), arbitrarily detaining or arresting 649 members, of whom at least 489 remain in detention.[5] This includes NLD leader Aung San Suu Kyi and President Win Myint, who were recently sentenced to four years of prison each on politically-motivated charges. One NLD member and democracy activist, Phyo Zeyar Thaw, and another prominent democracy activist, Kyaw Min Yu (known as Ko Jimmy), have been sentenced to death under the counter-terrorism law, albeit in a closed proceeding which makes verification of the vaguely reported evidence impossible.[6] Ko Jimmy was previously hospitalized in critical condition with a severe head injury after his arrest by the military regime in an overnight raid on 23 October 2021 in Yangon.[7]

The charges against Aung San Suu Kyi add up to combined maximum sentences of more than 100 years.[8] She was sentenced to another four years in prison in the second round of verdicts, as she was found guilty of multiple transparently politically-motivated charges including possession of unlicensed walkie-talkies and breaking coronavirus rules.[9] President Win Myint was charged with violation of disaster management laws and was sentenced to four years on December 2021, later reduced to two years.[10] Win Myint testified that, hours before the coup, the military warned him that he could be seriously harmed if he refused to relinquish power.[11]

C. Attacks on Journalists and Public Figures

The junta's assault on civil society has also targeted journalists. At least 126 journalists and publishers have been detained in Myanmar since the military takeover as of November 2021.[12] At least forty-six remain in detention, 16 of whom have been convicted for

crimes related to their work as journalists.[13] Several journalists have reported being severely beaten and tortured, including the American co-founders of the online news site Kamayut Media and Aung Kyaw, a video journalist for Democratic Voice of Burma.[14] A Japanese journalist, Yuki Kitazumi, was also held in prison before being deported.[15] Other media figures have also been arrested, such as the jailing of three prominent celebrities for using their public platforms to protest against the junta last December, further chilling free expression.[16]

The state also controls the main broadcasters and publications, and self-censorship is a common practice.[17]

II. CONTINUING VIOLATIONS BY THE MILITARY (TATMADAW)

Myanmar's military, that Tatmadaw, continues to target ethnic-minority regions across the country, in particular Sagaing region and Chin, Kachin, Kayah, and Kayin states, attacking civilian-populated areas with indiscriminate and wide-spread airstrikes and mortar shelling. As of January 2022 it has destroyed at least 2,265 homes and displaced over 320,900 people, adding to the 340,000 already displaced, since the coup.[18] Such attacks appear to constitute serious war crimes and crimes against humanity.

On Christmas Eve 2021, the Myanmar military killed and burned the bodies of at least 35 villagers from a Christian community in east Kayah (formerly Karenni) state attempting to flee nearby combat in seven vehicles.[19] The NGO Save the Children stated that 38 people had been killed in the incident, including two of their own humanitarian workers.[20] Physical evidence of the killings also indicates that several women, elderly persons, and four children (three teenagers and a child 5-6 years of age) were among the dead, and that they were shot before they were burned.[21]

Within days of the junta promising a ceasefire on January 8, the military conducted over a dozen artillery attacks and airstrikes on the city of Loikaw, displacing well over 100,000 people, and it killed of four teenagers in Tanintharyi region and 10 people, including a 13-year-old child, reportedly used by the military as human shields, in Chin State.[22] Ethnic minorities have also faced greater discrimination under the junta.[23]

III. CONTINUING CRISIS FOR ROHINGYA

Focusing attention on one minority group, ever since thousands of Rohingya were killed and more than 700,000 fled to Bangladesh following a military crackdown in 2017,[24] the Rohingya plight remains desperate with about 1 million people living in five refugee camps of bamboo and plastic shelters.[25] Children make up about half of them.[26] The Myanmar junta continues to deny citizenship to the Rohingya and has cast doubt on the ability of Rohingya refugees in Bangladesh to return to Myanmar.[27] Genocide claims brought to the International Court of Justice and the Argentinian judiciary are still proceeding.[28] Since the coup, the junta has only worsened the situation for Rohingya by mass arrests and threats as well as by implementing severe restrictions on their movement, education, and healthcare.[29]

IV. THE INTERNATIONAL COMMUNITY'S RESPONSE HAS BEEN INSUFFICIENT

While there have been some positive responses by the international community against Myanmar's junta and military, it is not nearly sufficient to pressure them to respect the democratically elected government, to end their violations, and to ensure accountability. The UN Security Council's statement in June 2021 urging states to "prevent the flow of arms" to Myanmar needs to be followed-up with an immediate plenary meeting on Myanmar to adopt a resolution for an arms embargo and financial sanctions against the junta. States should also implement these measures in any event. Actions taken by the Association of Southeast Asian Nations (ASEAN) have also been insufficient and threaten to become even less effective with Cambodia as chair this year.[30] This Council should

also do its part to organize effective measures to pressure the junta and military and to facilitate accountability for the violence against civilians and other violations.

It has also been reported that many transnational corporations working in Myanmar before the coup have decided to maintain or even expand their Myanmar operations, including, in the case of Japanese companies, about 70% of companies, with only 6.7% withdrawing from Myanmar or moving to another country.[31]

V. RECOMMENDATIONS

Human Rights Now strongly condemns the killing and other violence against civilians by the Myanmar junta and military, as well as the torture and arbitrary arrests of civil society, protestors, political actors, and journalists, and we call on it to take the following measures.

We call on the junta to respect the outcome of the 2020 election, to end the arbitrary arrest and torture of protestors and political actors and their supporters, and to provide humanitarian assistance to all displaced people in Myanmar.

We ask all states to implement rigorous sanctions including an arms embargo against the junta.

We call on all transnational businesses to end any business in Myanmar that could support the junta or military in Myanmar.

We finally request the Council and its members to pass a resolution for an independent investigation of Myanmar and to take effective measures that facilitate accountability for violence against civilians and other violations by the junta and military.

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[2] <https://www.bbc.com/news/world-asia-55902070>

[3] <https://www.theguardian.com/world/2021/mar/27/more-than-100-killed-as-myanmar-junta-unleashes-worst-day-of-terror>

[4] <https://aappb.org/>; <https://www.nytimes.com/2021/12/17/world/asia/myanmar-journalist-kyaw-torture.html>;

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28069&LangID=E>

[5] <https://www.rfa.org/english/news/myanmar/detainees-01032022212032.html>;

<https://www.irrawaddy.com/news/burma/myanmar-junta-sentences-suu-kyi-and-president-u-wint-myint-to-four-years-in-prison.html>

[6] <https://www.aljazeera.com/news/2022/1/22/myanmar-sentences-lawmaker-from-aung-san-suu-kyis-party-to-death>

[7] <https://hrn.or.jp/eng/wp-content/uploads/2021/12/muoct2021report.pdf>

[8] <https://edition.cnn.com/2022/01/10/asia/suu-kyi-conviction-walkie-talkies-intl-hnk/index.html>

[9] Id.

[10] Id.; <https://www.aljazeera.com/news/2021/12/6/aung-san-suu-kyi-sentenced-to-x>

[11] <https://www.aljazeera.com/news/2021/10/13/ex-myanmar-president-says-army-tried-to-force-him-to-cede>

[12] <https://news.un.org/en/story/2021/11/1105752>

[13] <https://www.reportingasean.net/in-numbers-arrests-of-myanmar-journalists/>

[14] <https://www.nytimes.com/2021/12/17/world/asia/myanmar-journalist-kyaw-torture.html>;

<https://www.nytimes.com/2021/05/29/world/asia/myanmar-prison-coup.html>

[15] Id., Myanmar-Prison-Coup.

[16] <https://www.reuters.com/world/asia-pacific/myanmar-court-jails-celebrities-who-supported-democracy-protests-2021-12-30/>

[17] <https://www.bbc.com/news/world-asia-pacific-12990563>

- [18] <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-14-17-january-2022/>;
<https://twitter.com/DrSasa2222/status/1482693428458954757>.
- [19] <https://www.reuters.com/world/asia-pacific/more-than-30-killed-bodies-burnt-myanmars-kayah-state-2021-12-25/>; https://hrm.or.jp/eng/news/2022/01/17/myanmar_statement/
- [20] <https://www.unicef.org/press-releases/>; [unicef-condemns-reported-killing-least-35-people-including-four-children-and-two](https://www.unicef.org/press-releases/2022/01/17/myanmar_statement/)
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- [23] <https://www.nytimes.com/2021/04/30/world/asia/myanmar-ethnic-minority-coup.html>
- [24] <https://www.bbc.co.uk/news/world-asia-51221029>
- [25] https://www.washingtonpost.com/opinions/global-opinions/three-years-since-their-genocide-began-the-rohingya-remain-desperate-for-help/2020/08/28/897b6f8e-e706-11ea-970a-64c73a1c2392_story.html
- [26] Id.
- [27] <https://www.reuters.com/world/asia-pacific/myanmar-junta-leader-casts-doubt-return-rohingya-2021-05-24/>
- [28] <https://www.ft.com/content/0a2c1a4c-269a-4121-b37f-0da41e53a618>
- [29] <https://www.aljazeera.com/news/2022/1/6/rohingya-myanmar-restrictions-on-freedom-of-movement>
- [30] <https://mainichi.jp/english/articles/20220122/p2g/00m/0in/022000c>
- [31] <https://english.kyodonews.net/news/2022/01/7e3de89004f5-70-of-japan-firms-keep-expand-business-in-myanmar-even-after-coup.html>; <https://www.irrawaddy.com/news/burma/most-japanese-firms-investing-in-myanmar-remain-despite-coup.html>