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Statement by Thomas H. Andrews, UN Special Rapporteur on the Situation of Human Rights in Myanmar, at the 48th session of the Human Rights Council

22 September 2021

Madam President, distinguished members of the Human Rights Council, it is an honor to report to you on the state of human rights in Myanmar.

Since my last report, I am afraid that the crisis in Myanmar has become even graver, with the continuing commission of mass atrocity crimes and a deadly escalation of armed conflict. The results have been catastrophic.

The Junta's Violations of Human Rights

Since 1 February, the military junta and its forces murdered more than 1,100 people, arbitrarily detained more than 8,000, and forcibly displaced more than 230,000 civilians, bringing the total number of internally placed persons in Myanmar to well over half a million.

Junta-controlled military forces have killed protesters in the streets, murdered civilians in their homes, beaten individuals to death and tortured people to death while in detention. They have killed people with bombings, rocket-propelled grenades and automatic weapons. They have attacked entire villages with airstrikes, sieges and mass arson and have forced civilians to serve as porters and human shields. They have also blocked critical humanitarian aid, food, medicine and other supplies from reaching those who have been forced from their homes.

Children have not been spared. As of July, the junta had killed at least 75 children ranging in age from 14 months to 17 years. These children were hit by junta driven vehicles, shot by junta forces or killed by junta artillery shells. I have also received credible reports of children being tortured, including two boys who were starved and then had their legs burnt with iron rods.

The junta has also systematically destroyed civil and political rights in Myanmar, dismantling freedom of expression, freedom of association, the right to privacy, access to justice, and a free press. It shuts down the Internet as it sees fit. I have spoken with journalists who have been tortured for reporting, one of whom told me of being starved, beaten and forced to stay awake for four days while in custody.

Now the junta is increasingly relying on another depraved tactic, the use of collective punishment, including the abduction of family members of those who have been issued arrest warrants, but who police and military forces are unable to locate.

I have received credible reports that junta forces have arbitrarily detained at least 177 individuals when the initial target of a raid had successfully eluded arrest. These victims include very young children as young as 20-weeks old.

The junta also continues to deny the existence of the Rohingya ethnic minority while denying them citizenship, freedom of movement and other fundamental rights. The same commanders who oversaw the mass atrocity crimes committed against the Rohingya in 2017 are now overseeing the military junta, putting more than 600,000 Rohingya living in Myanmar in danger.

The right to health is being undermined by the junta's assault on the health care system and health care professionals who are working tirelessly and courageously day in and day out to save lives during a pandemic. In retribution for the leadership that many have provided to the civil disobedience movement, junta forces are harassing, arbitrarily detaining, torturing and killing health care providers.

I have spoken directly with medical doctors who, in between caring for patients, told me of military raids on charity and make-shift health facilities, destroying, damaging or confiscating medical equipment, while abducting, beating, and arbitrarily detaining their colleagues. Junta forces attacked healthcare workers or facilities in at least 260 separate incidences from 1 February to 25 August 2021. The junta has outstanding arrest warrants for 600 healthcare workers, forcing them into hiding. Many continue to treat patients clandestinely despite the enormous personal risk.

Madame President, the denial of the right to health is not only a crisis for the people of Myanmar, it is a direct threat to the region and, indeed, the world. More than a third of humanity live in countries bordering Myanmar. Conditions in Myanmar are ripe for the development and spread of new variants of Covid 19.

The junta has, in sum, directed its forces to engage in widespread and systematic attacks against the people of Myanmar. There is therefore a compelling case that the military junta is committing crimes against humanity. The preliminary analysis of the Independent Investigative Mechanism for Myanmar ("IIMM"), which was established by this Council, indicates that "Myanmar security forces have committed serious international crimes since seizing power on 1 February 2021" including "murder, persecution, imprisonment, sexual violence, enforced disappearance and torture."¹

As conditions deteriorated, a National Unity Government was formed as a legitimate opposition government to the junta by members of the deposed civilian government and ethnic leaders. Women hold nine of the NUG's 36 cabinet positions, reflecting a 25% representation of women. This is a remarkable development considering that, up to now, only three women have held union ministry posts. The NUG has sought support from the international community to confront Myanmar's health care crisis and is working on accountability for past crimes. In July, it lodged a declaration with the International Criminal Court to accept jurisdiction over crimes committed in Myanmar since 1 July 2002.

With the escalation of attacks by junta forces, the National Unity Government declared that the people of Myanmar have the right to protect themselves and, most recently, announced a "defensive war" against the junta, in part to try to unite local civilian-led People's Defense Forces (PDFs) throughout the country. PDFs have been organized to provide security for villages and, in some instances, have conducted ambushes of junta security forces.

Many PDFs rely on improvised and homemade weapons, including flintlock rifles with a singleshot capacity using gunpowder composed of animal dung and toxic plants. Junta forces have responded to them with indiscriminate attacks on entire villages and towns. In the last two weeks alone, junta forces have set fire to dozens of homes across multiple villages including the horrific fire-bombing of a village that I witnessed after it was captured on video.

The escalating violence in Myanmar, including reports of the killing of those accused of collaborating with the junta and members of their families, including young children, are deeply disturbing. I appeal to everyone to respect and abide by international human rights standards and humanitarian principles. This includes the Code of Conduct issued by the National Unity Government.

Peaceful protests and "citizen sanctions"

Madame President, despite the darkness that has descended on Myanmar, rays of light and hope are emanating, shining in the form of relentless activists, peaceful protesters, police and military defectors, doctors who continue to care for patients despite the dangers of doing so, and many other courageous people who are committed to saving their country and the future of their children and grandchildren.

Over 5,000 peaceful protests have occurred since the coup and continue almost daily in towns, cities and villages large and small, despite the extreme threat to the safety and liberty of protesters.

Meanwhile, an estimated 2,000 police and military personnel have defected from the junta, and reports indicate applications to military academies have plummeted this year, with the military leadership being forced to extend the application deadlines multiple times.

People throughout Myanmar from all walks of life are engaging in what can accurately be described as "citizen sanctions" - boycotts of products produced by military-owned companies as well as the payment of energy bills and taxes. By some accounts, the public's widespread refusal to pay utility bills and some taxes have cost the junta an estimated \$1 billion in revenue. The junta has responded with threats to the public and appeals to ministries to be ever more frugal with spending as the junta's financial resources shrink.

It is telling that just hours after the NUG announced an alternative lottery in Myanmar, tickets sold out. In contrast, the national lottery, now controlled by the junta, has had to postpone drawings and reduce prize money due to the lack of ticket sales.

People of Myanmar Request and Deserve Support

Many of the member states of this body and the United Nations have condemned the coup and the atrocities that I have described. The General Assembly overwhelmingly passed a resolution calling for the junta to respect the will of the Myanmar people as expressed in the November 2020 national election and to "call upon all Member States to prevent the flow of arms into Myanmar."

The military junta has ignored or rejected these resolutions as well as the strong statements and appeals of many Member States. The junta has stonewalled or attempted to cynically manipulate regional efforts to resolve the crisis through engagement.

Madame President, in my view the well-intentioned efforts of those who have sought to end this violence through engagement and dialogue will not succeed so long as the military junta lacks the will to end its brutality and this can only come with leverage.

The Civil Disobedience Movement, civil society organizations and people from all walks of life throughout Myanmar have appealed to the nations of the world to support their citizen sanctions and gain leverage over the junta with targeted economic sanctions. 462 Myanmar civil society organizations, for example, signed an appeal for sanctions to be imposed on Myanmar Oil and Gas Enterprise to stop the junta from continuing to steal the country's natural-resource wealth.

If action through the Security Council that targets the junta's finances and arms is not a viable option, and, at least in the short term, it is not, then coordinated action should be taken by Member States that compliment formal UN mechanisms. **The fact is, current efforts by the international community to stop the downward spiral of events in Myanmar are simply not working. Madame President, a change of course is necessary.**

To be effective, nations that are willing to support Myanmar's citizen sanctions should do so in a coordinated, robust and sustained program of targeted economic sanctions and a comprehensive embargo of weapons and dual use technology. There is no time to lose.

To be clear, these proposed actions are not a silver bullet that will change conditions overnight. But they would be consistent with the demands of the people of Myanmar, including elected officials and serve as a vital component of a comprehensive package of economic, diplomatic and political action. I have respect for those who have concerns or are opposed to such an approach. But I urge them to come forward with alternative measures that can effectively change the tragic downward trajectory, and the living hell, that has become life in Myanmar.

Inaction and complacency with the status quo should NOT be an option that is acceptable to members of this Human Rights Council.

Madame President, the crisis in Myanmar has left more than three million people in desperate need of humanitarian aid. The international community must make a stronger commitment to ensuring lifesaving aid reaches those in need. Myanmar civil society organizations who are saving lives need and deserve our support. The 2021 UN Myanmar Humanitarian Response Plan has received only 46 percent of requested funds to date. We can and should do better.

Finally, the Member States of this Human Rights Council, can play three critical roles to address this crisis:

- First, by shining the light of public attention on the crisis in Myanmar. The military junta thrives in darkness and the world needs to know the truth. The people of Myanmar need to know that this committee, and indeed the world, is paying attention;
- Second, you are the voice for human rights, the conscience of the UN. The besieged people of Myanmar look to you to give voice to their plight and their call for justice within the United Nations; and finally,
- Third, you have a critically important role to play as a catalyst for *action*, just as you acted to create the Independent Investigative Mechanism for Myanmar, the IIMM. Now, more than ever, the people of Myanmar need strong, targeted and coordinated action by the international community.

Madame President, I will close by quoting the words of a UN Security Council Member, at the recently convened Arria formula meeting of the Security Council on Myanmar:

"What are we waiting for? The longer we delay, the more people die."

Thank you, Madame President.

1. A/HRC/48/18 at 8-9.

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