

To Permanent Representatives of Member States of the UN General Assembly

25 October, 2021

Open Letter calling on the UN General Assembly to show decisive leadership in response to deepening crisis in Myanmar

Dear Excellencies,

We, 427 Myanmar civil society organizations, urge you to show decisive leadership as the world body and adopt a strong resolution in the Third Committee of the UN General Assembly. A resolution that will pave the way for concrete actions to immediately address the deepening human rights and humanitarian catastrophe in Myanmar is both urgent and desperately needed.

The UN General Assembly (UNGA) Resolution in June 2021 [A/75/L.85/Rev.1](#) strongly supported ASEAN and the ASEAN Five-Point Consensus agreed upon by the leaders of ASEAN and the Commander-in-Chief of the Myanmar military, Senior General Min Aung Hlaing, to facilitate a peaceful solution in the interests of the people of Myanmar. However, ASEAN's engagement has failed to yield any meaningful results for the people of Myanmar.

The military junta has killed 1,196 people (including at least 75 children), and arbitrarily arrested 9,175 people since the attempted coup in February. 448 people have been killed since the ASEAN's Five-Point Consensus was reached in April. The timing of the release of political prisoners following ASEAN's decision on 16 October to exclude the military junta from the Summits is not a coincidence. There is a demonstrated pattern of the junta releasing political prisoners prior to regular sessions of UN bodies on Myanmar, which acts as a distraction from their ongoing campaign of terror. In addition, these announcements lack transparency, including information about the individuals who have been released. Many political prisoners are immediately rearrested upon their release or come under close watch by the junta. Those who have been arbitrarily detained have often been physically and mentally tortured during interrogation, which has resulted in at least 131 deaths. Women and LGBTQI+ have reportedly been raped and/or experienced sexual and gender-based violence in detention.

The junta has committed grave crimes by using disproportionate force, indiscriminately shooting civilians, bombing and shelling civilian areas, occupying and destroying religious buildings, attacking health and humanitarian aid workers, destroying aid and ambulances, using civilians as forced porters and human shields, torturing detainees, executing civilians, razing villages and homes, committing arbitrary arrests, raping, and looting. The Special Rapporteur on the situation of human rights in Myanmar, Tom Andrews, has stated that some of these actions, and others recorded since the attempted coup, amount to crimes against humanity.

Ongoing fierce fighting and the military junta's brutal crackdowns have displaced at least 230,000 people since the attempted coup. This number, added to those already displaced, results in over half a million internally displaced people across Myanmar. The scale of the humanitarian crisis in Myanmar requires an immediate, coordinated humanitarian response that is led by the UN Secretary-General to address the dire situation in Myanmar.

While the June UNGA Resolution urged the international community to prevent the flow of arms into Myanmar, governments and businesses continue to trade arms with the military junta, thus aiding and abetting their international crimes. The UNGA must clearly indicate its support for a UN Security Council-

mandated global arms embargo as a response to the military junta's escalating campaign of terror. There must be a stop to the terrorist military junta's acquisition of and indiscriminate use of arms and dual-use equipment against civilians.

The military junta are not the solution to the escalating crisis in Myanmar, they are perpetrators of grave international crimes who must be held to account. This is the same military that committed genocide against the Rohingya, and war crimes and crimes against humanity in other ethnic areas for decades as outlined in the [UN Independent International Fact-Finding Mission's 2018 report](#).

The slow response to these past atrocity crimes by the international community has directly contributed to emboldening the Myanmar military to continue to commit atrocity crimes and grave human rights violations – as there is no fear of being held to account.

The military junta must be referred to the International Criminal Court by the UN Security Council, while Member States must join the Genocide Convention Case filed by the Gambia at the International Court of Justice and support the ongoing work of the Independent Investigative Mechanism for Myanmar.

The solution lies with the people of Myanmar and their strong will to oppose the brutal and oppressive Myanmar military junta. The junta is an armed actor employing terrorism. They are not a government and do not represent the people of Myanmar. It is not enough to ensure they are not legitimized by the UN. The UN must actively demonstrate their support for the will of the people of Myanmar by proactively working with the National Unity Government (NUG) who are the legitimate representatives of the people of Myanmar. We reiterate the [calls](#) made by 358 Myanmar and international civil society organizations in July urging you to ensure that the current Permanent Representative of Myanmar to the United Nations, Ambassador U Kyaw Moe Tun, retains his position as Myanmar's representative to the UN.

Thus, it is with great urgency that we call on Member States to reflect the following concerns and recommendations in your upcoming 76th Session of the UN General Assembly's Third Committee Resolution on the situation in Myanmar:

- An immediate, coordinated humanitarian response that is led by the UN Secretary-General to address the dire humanitarian crisis in Myanmar with robust and regular reporting to the UNGA.
- Humanitarian assistance to be distributed through the NUG, ethnic service providers, local civil society and community-based groups, including through cross-border channels.
- The military junta to immediately cease violence and all attacks, persecution, and restrictions against the people of Myanmar, including medical personnel, journalists, human rights defenders, activists and members of the Civil Disobedience Movement and to respect the safety of medical staff and facilities.
- The Secretary General to establish a Panel of Experts to address the situation of sexual and gender-based violence with robust and frequent reporting to the UNGA.
- The UN Security Council to refer the situation of Myanmar to the ICC.
- The UN Security Council to impose comprehensive arms embargo that includes dual-use technology on Myanmar.

We further call on Member States to:

- Retain Ambassador U Kyaw Moe Tun's accreditation as the Permanent Representative of Myanmar to the UN.

- Impose targeted sanctions against the Myanmar military, including military-owned and controlled companies and their substantial business associates in accordance with the recommendations of the UN Independent International Fact-Finding Mission on Myanmar.
- Do not lend any legitimacy or recognition to the illegitimate military junta; this includes not inviting military junta officials and/or attending platforms and functions that includes the military junta that may lend them legitimacy and recognition.

In addition, States Parties to the ICC Rome Statute should publicly express support for the NUG's acceptance of ICC jurisdiction under Article 12(3).

The international community's ineffectiveness has only caused further suffering for the people of Myanmar. Senior General Min Aung Hlaing and the Myanmar military, who stand accused of genocide, crimes against humanity and war crimes, have violently terrorized the people of Myanmar for nearly ten months with total impunity. Their heinous crimes must be met with concrete actions and they must be held to account. The UN must not fail the people of Myanmar as it failed the Rohingya in 2017. The UN as an international body must act decisively to address the deepening human rights crisis that threatens not only the lives of the people of Myanmar but of global peace and security.

Please accept the assurances of our highest consideration.

Signed by:

427 Myanmar civil society organizations

For more information, please contact:

Daw Khin Ohmar, Progressive Voice, info@progressive-voice.org

Nai Aue Mon, Human Rights Foundation of Monland, auemon@rehmonnya.org

Ma Thinzar Shunlei Yi, Action Committee for Democracy Development, acdd.burma@protonmail.com