

To Member and Observer States of the UN Human Rights Council

Cc: The UN High Commissioner for Human Rights

1 March 2023

Open letter: The UN Human Rights Council must take concrete steps to actualize justice and bolster support for the people of Myanmar's will for federal democracy and human rights

Your Excellencies,

We, the undersigned 160 Myanmar, regional and international civil society organizations (CSOs), call for the United Nations Human Rights Council (UNHRC) to take concrete actions to advance accountability through all possible avenues, protect human rights of the Myanmar people, and strongly support their will for federal democracy.

We welcome the UNHRC [resolution](#) of 1 April 2022 which acknowledged the human rights situation in Myanmar as one of the Council's important agenda. We however recognize that the resolution failed to adequately reflect or address the severity of the human rights and humanitarian crisis in Myanmar. The resolution also fell short in advancing justice and ending rampant impunity enjoyed by the Myanmar military for decades. During the 52nd Regular Session of the UNHRC, we call for the adoption of a meaningful and robust resolution which reflects the Myanmar people's desire for federal democracy, pursues all available mechanisms and avenues for justice and accountability, and bolsters effective locally-led frontline humanitarian assistance.

While monitoring and reporting mandates on Myanmar by the UNHRC remain strong and robust, there is an urgent need for the Council to strengthen its efforts for justice and accountability. The creation of the Independent Investigative Mechanism for Myanmar (IIMM) to collect evidence of the most serious international crimes in Myanmar and prepare files for criminal prosecution — following the findings of the Independent International Fact-Finding Mission on Myanmar — was a substantial step in the right direction. However, the IIMM is not mandated to initiate prosecution, rendering justice elusive for victims of the most serious international crimes committed in Myanmar prior to its establishment in 2018, including the Rohingya genocide. Currently, there is no international court that has an investigation into all crimes committed in Myanmar.

We further express disappointment at the [insubstantial](#) UN Security Council (UNSC) [resolution](#) on Myanmar, adopted in December 2022, which failed to either uphold the Council's responsibilities under Chapter VII of the UN Charter or refer the situation in Myanmar to the International Criminal Court (ICC).

The UNHRC must move the UN beyond solely gathering evidence to making justice a reality in Myanmar, by calling on the UN General Assembly (UNGA) and the UNSC to refer the situation in Myanmar to the ICC or establish a tribunal of its own. At the same time, we urge the Council to welcome the declaration lodged by the National Unity Government (NUG) under Article 12(3) of the Rome Statute to accept the ICC's jurisdiction over international crimes committed in Myanmar territory since 1 July 2002, a significant step towards justice taken by Myanmar's legitimate government. Finally, we urge the UNHRC to further recommend the UN member states, agencies and mechanisms supply financial, political and technical support for ongoing universal jurisdiction efforts in [Argentina](#), [Germany](#), [Indonesia](#) and [Turkey](#).

Achieving accountability in Myanmar means justice for victims of the world's most heinous crimes. Equally, securing justice will "[restore] any semblance of democratic rule, security and stability to the country," as the High Commissioner himself [stated](#), and by extension to the Southeast Asian region.

We are alarmed by the UN's apathy towards the Myanmar military's total disregard and undermining of the [Five-Point Consensus](#) ('5PC'), devised by the Association of Southeast Asian Nations (ASEAN), in the past 22 months. ASEAN itself has explicitly requested UN support in implementing the 5PC, while the UNSC resolution called for the implementation of it. The UN can no longer hide behind ASEAN. The UNHRC must strongly recommend the bloc to move beyond its failed plan based on extensive consultation with the NUG, ethnic revolutionary organizations (EROs) and civil society. It must further call on the UNSC to use all instruments at its disposal, including enforcing punitive measures, should the junta fail to comply with the resolution.

For the past two years, the military junta has deliberately carried out extrajudicial killings, massacres, sexual and gender-based violence, mass arbitrary arrests, torture in detention and other horrendous violations against civilians in Myanmar in a widespread and systematic manner. Since the failed coup, the junta has slain over 3,000 people and sentenced 144 people to death. In July 2022, it abhorrently executed four democracy activists, an act which the IIMM [stated](#) "could constitute crimes against humanity or war crimes." We welcomed statements by the UN [Secretary-General](#) and the [UNSC](#) to condemn the execution, and urge the UNHRC to strongly follow suit.

Most notably, the junta has consistently launched airstrikes on civilians, including at [schools](#), [medical facilities](#), and [religious sites](#). In September 2022, it [murdered](#) 11 children at a school in Let Yet Kone village, Sagaing Region, and a month later [killed](#) over 60 innocent civilians celebrating the founding of the Kachin Independence Organisation. On 14 and 16 February 2023, the junta's jet fighters [dropped](#) bombs in Mutraw District in Karen State, destroying two rice warehouses and seven schools, including [New Generation School](#) which has offered higher education to Karen students for over ten years. The UNHRC must accurately recognize the gravity of the crisis in Myanmar as constituting crimes against humanity and war crimes. It must further condemn the junta's rampant airstrikes targeting civilians, strongly call for a global arms embargo which covers all weapons, munitions and other equipment, as well as the provision of military assistance, and recommend member states to [suspend](#) direct and indirect supply and brokering of arms and aviation fuel to Myanmar.

The UN further has an obligation to ensure the protection of children in armed conflict. As the Special Rapporteur on the situation of human rights in Myanmar, Tom Andrews, [stated](#) in his conference room paper, "the junta's violent assaults on children ... are part of its ongoing widespread and systematic attack on the people of Myanmar and likely constitute crimes against humanity and war crimes."

As of 2 February 2023, over 1.2 million people have been internally [displaced](#) across Myanmar, while over 72,000 people [have sought](#) safety in India and Thailand. The junta's primary role in creating and exacerbating the humanitarian crisis must be condemned by the UNHRC. The extension and widening of the unlawful state of emergency and martial law to cover additional 37 townships in strong resistance areas indicates that the junta only intensify its brutal attacks.

The UN must further reverse decades of [systemic failures](#) as its agencies continue to fall far short of [executing](#) any "complementary and mutually reinforcing work" to address the root causes of and improve the humanitarian and human rights tragedy in Myanmar. Most urgently, we call on the UN to stop allowing the junta to weaponize aid and ensure aid and relief reach those in direst need. To this end, it must direct its agencies and advocate for other aid providers including member states to partner with local frontline humanitarian actors, including ethnic and border-based civil society and community-based organizations, and the NUG and EROs, who have been providing assistance and services to affected communities.

The junta's ongoing atrocities also present a tremendous obstacle to the safe, voluntary, dignified and sustainable return of Rohingya languishing in camps or harrowing conditions. The UNHRC must recognize this reality and welcome the International Court of Justice's decision to reject Myanmar's [preliminary objec-](#)

[tions](#) in the case lodged by The Gambia against Myanmar on the application of the Convention on the Prevention and Punishment of the Crime of Genocide. Moreover, the UN should ensure member states, in particular Myanmar's neighboring countries, act in line with the principle of *non-refoulement*, not only in regard to Rohingya refugees but all Myanmar refugees.

With the current crisis unfolding, it is paramount for the Myanmar people to have their voices represented at the UN. We welcome the High Commissioner's accurate recognition of the Myanmar military's action on 1 February 2021 as the attempted coup in the [oral update](#) to the 50th Session of the UNHRC and the [statement](#) on 27 January 2023. The UNHRC's decision to reject the junta's representative at its sessions since the 47th Regular Session of the UNHRC, in response to a collective call of Myanmar civil society, was further welcomed. However, the UNHRC must recognize the Myanmar people's democratic will, as expressed in the November 2020 general elections, and legitimate government the NUG. The UNGA's [deferral](#) of a credentials decision on Myanmar, an explicit rejection of the junta's attempt to claim Myanmar's seat at the UN, allows the NUG to continue to represent the people of Myanmar through Ambassador Kyaw Moe Tun at the UNGA. This should extend to the UNHRC and other UN Offices in Geneva. To exclude the representative of Myanmar to the UNGA from the 52nd Regular Session of the UNHRC is contradictory and, in effect, denying the people of Myanmar their legitimate representation.

As the junta conspires to illegally hold sham national elections, despite lacking legitimacy, a constitutional basis, and [effective control](#) of Myanmar's territory as also [made clear](#) by the Special Rapporteur on the situation of human rights in Myanmar, the UNHRC must unequivocally denounce any such plans, and reject potential voting results as illegitimate. The results of the 2020 elections already [reflect](#) the true will of the Myanmar people and provided the basis for the formation of the Committee Representing Pyidaungsu Hluttaw, the NUG, and the National Unity Consultative Council.

The UNHRC must fully support the democratic will of the people of Myanmar, bring about justice and accountability, and strengthen locally-led humanitarian aid. To this effect, it must mobilize member states to utilize all tools at their disposal to actualize justice through all possible routes.

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Signed by

1. 8888 Generation (New Zealand)
2. Action Against Myanmar Military Coup
3. Action Committee for Democracy Development
4. Active Youths (Kalay)
5. Ah Nah Podcast, Ireland - conversations with Myanmar
6. All Arakan Students' and Youths' Congress
7. All Burma Democratic Front in New Zealand
8. All Burma Indigenous People Alliance (ABIPA)
9. ALTSEAN-Burma
10. Anti-Junta Mass Movement - AJMM
11. ASEAN Youth Forum (AYF)

12. Asia Democracy Network (ADN)
13. Asian Dignity Initiative
14. Asian Forum for Human Rights and Development (FORUM-ASIA)
15. Assistance Association for Political Prisoners
16. Association of Human Rights Defenders and Promoters
17. Association Suisse-Birmanie
18. Athan - Freedom of Expression Activist Organization
19. Auckland Kachin Community NZ
20. Auckland Zomi Community
21. Aung San Suu Kyi Park Norway
22. Back Pack Health Worker Team
23. Burma Action Ireland
24. Burma Campaign UK
25. Burma Human Rights Network
26. Burma Medical Association
27. Burma Task Force
28. Burmese Community Group (Manawatu, NZ)
29. Burmese Rohingya Organisation UK (BROUK)
30. Burmese Rohingya Welfare Organisation New Zealand
31. Burmese Women's Union
32. Cambodian Americans and Friends for Democracy and Human Right Advocate, CA
33. Campaign for a New Myanmar
34. Chin Community in Norway
35. Chin Community of Auckland
36. Chin Human Rights Organization
37. CIVICUS: World Alliance for Citizen Participation
38. Commission for the Disappeared and Victims of Violence (KontraS)
39. Courage Fund Cambodia
40. CRPH & NUG Supporters Ireland
41. CRPH Funding Ireland
42. CRPH Support Norway
43. Democracy for Ethnic Minorities Organization
44. Democracy, Peace and Women's Organization
45. Democratic Party for a New Society, Norway
46. Dhanu Youth Organization
47. Doh Atu - Ensemble pour le Myanmar (France)
48. Educational Initiatives Prague
49. Equality Myanmar
50. Federal FM (Mandalay)
51. Federal Myanmar Benevolence Group (NZ)
52. Finland-Myanmar Association
53. Foundation of Khmer Samaki, CA
54. Free Burma Campaign (South Africa)
55. Future Light Center
56. Future Thanlwin
57. Gandhi Development Trust

58. Generation Wave
59. German Solidarity with Myanmar Democracy eV
60. Global Myanmar Spring Revolution
61. Grass-root People
62. Helping Hands for Burma (H2B) New York
63. Human Rights Foundation of Monland
64. Info Birmanie
65. Initiatives for International Dialogue
66. Institute for Asian Democracy
67. International Association, Myanmar-Switzerland (IAMS)
68. International Campaign for the Rohingya
69. Justice For Myanmar
70. Kachin Association Norway
71. Kachin Women's Association Thailand
72. Karen Human Rights Group
73. Karen Peace Support Network
74. Karen Society Finland
75. Karen Women's Organization
76. Karenni Association - Norway
77. Karenni Civil Society Network
78. Karenni National Women's Organization
79. Karenni Society New Zealand
80. Kayan Women's Organization
81. K'cho Ethnic Association
82. Keng Tung Youth
83. Kyaukse University Students' Union
84. Kyauktada Strike Committee
85. La Communauté BIRMANE de France
86. Let's Help Each Other
87. Los Angeles Myanmar Movement (LA2M)
88. Mandalay Regional Youth Association (MRYA)
89. Me Boun Foundation
90. Metta Campaign Mandalay
91. Minority Affairs Institute - MAI
92. Muslim Youth Network
93. Myanmar Accountability Project
94. Myanmar Action Group Denmark
95. Myanmar Anti-Military Coup Movement in New Zealand
96. Myanmar Baptist Churches in Norway
97. Myanmar Campaign Network
98. Myanmar Catholic Community In Norway
99. Myanmar Community Group Christchurch New Zealand
100. Myanmar Community Group Dunedin New Zealand
101. Myanmar Community in Norway
102. Myanmar Diaspora Group Finland
103. Myanmar Engineers - New Zealand

104. Myanmar Gonye (New Zealand)
105. Myanmar Hindu Community - Norway
106. Myanmar Muslim Organization - Norway
107. Myanmar People Alliance (Shan State)
108. Myanmar Students' Union in New Zealand
109. Nelson Myanmar Community Group New Zealand
110. Netherlands Myanmar Solidarity Platform
111. Network for Human Rights Documentation Burma (ND-Burma)
112. New Zealand Doctors for NUG
113. New Zealand Karen Association
114. New Zealand Zo Community Inc.
115. NLD Organization Committee (International) Norway
116. No Business With Genocide
117. Norway Falam Community
118. Norway Matu Community
119. Norway Rvwang Community
120. Overseas Mon Association, New Zealand
121. Padauk
122. Pa-O Women's Union
123. Phoenix Settlement Trust
124. Progressive Muslim Youth Association
125. Progressive Voice
126. Pyithu Gonye (New Zealand)
127. Rohingya Action Ireland (RAI)
128. Rohingya Community in Norway
129. Rvwang Community Association New Zealand
130. RW Welfare Society (RWWS)
131. Save and Care Organization for Ethnic Women at Border Areas
132. Save Myanmar Fundraising Group (New Zealand)
133. Save Myanmar San Francisco
134. Save Myanmar USA
135. SEA Junction
136. SGDM The Netherland
137. Shan Community (New Zealand)
138. Shan MATA
139. Sitt Nyein Pann Foundation
140. Southern Dragon Myanmar
141. Southern Youth Development Organization
142. Spring Revolution Myanmar Muslim Network
143. Swedish Burma Committee
144. Swedish Foundation for Human Rights
145. Ta'ang Women's Organization
146. Ta'ang Legal Aid
147. Tanintharyi MATA
148. Thai Action Committee for Democracy in Burma (TACDB)
149. The European Rohingya Council (ERC)

150. The Ladies
151. Thint Myat Lo Thu Myar Organization
152. U.S. Campaign for Burma
153. US Advocacy Coalition for Myanmar (USACM)
154. With Myanmar (UK)
155. Women Activists Myanmar
156. Women's League of Burma
157. Women's Peace Network
158. Youth for democratization of Myanmar (UDM)
159. Zomi Christian Fellowship of Norway
160. Zomi Community Norway