

To:

Government of Japan, Ministry of Justice

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Subject: Seeking confirmation that Myanmar military junta members will not be present at the upcoming ASEAN-Japan Special Meeting of Justice Ministers (AJSMJ) and ASEAN-G7 Justice Ministers' Interface

Dear Ministers and staff,

We are writing this open letter to you on behalf of **411** Myanmar, regional and international civil society organizations working together to protect Myanmar people's right to democratic representation internationally. We call on your ministry to publicly affirm your support for the people of Myanmar in relation to the upcoming ASEAN-Japan Special Meeting of Justice Ministers (AJSMJ) and ASEAN Law and Justice Ministers Interface with G7 Justice Ministers that you will host in Tokyo on July 6 and 7, 2023.

Specifically, we are seeking your confirmation that:

- 1. the people of Myanmar will be represented in these meetings by their democratically elected government, the National Unity Government; and**
- 2. the illegitimate military junta that is currently illegally occupying many of Myanmar's national institutions of government will be banned from the meeting.**

As you are aware, a democratic general election was held in Myanmar on November 8, 2020. In a landslide victory, the voters elected a government led by the incumbent National League for Democracy party. Independent national and international election observers unanimously concluded^{i ii iii} that the election was free and fair, and the result represented the will of the Myanmar people.

Yet, on February 1, 2021, the Myanmar military launched an illegal coup attempt. Since then, an illegal and illegitimate military junta has seized multiple institutions of government, including domestic ministries and overseas embassies, and attempted to pose as the government of Myanmar. The junta refers to itself as the 'State Administrative Council' (SAC), even though it has neither the authority to hold government office nor effective control over the majority of Myanmar's territories, which are under the administration of the democratic resistance movement and ethnic administration bodies.^{iv}

Under the guise of the SAC, the military junta has launched a nationwide campaign of heinous crimes against the people of Myanmar in an attempt to suppress and control them. To date, the military has killed 3,744 people and imprisoned 19,312 more,^v including the President, State Counsellor, elected members of parliament, journalists, pro-democracy activists, religious leaders and other individuals.

The remaining elected members of the government and parliament (the 'Pyidaungsu Hluttaw' in Burmese) formed the Committee Representing Pyidaungsu Hluttaw (CRPH) and then the National Unity Government (NUG) based on the mandate gained from the 2020 election results.

The military has committed massacres, indiscriminate airstrikes, artillery shelling, torture, sexual and gender-based violence and mass arson. As a result of these crimes, over 1.5 million people have fled their homes^{vi} since the attempted coup and tens of thousands more have been forced to flee to neighboring countries. Such atrocities amount to war crimes and crimes against humanity, and these have been committed by the same military that stands accused of genocide and other gross crimes against the Rohingya before the International Court of Justice, the International Criminal Court and in the universal jurisdiction case in Argentina.

The Myanmar military junta's ability to gain and retain power depends on violence, coercion, access to funds, arms and other resources, and importantly, the blanket impunity it has enjoyed through the absence of overdue justice and accountability. Further, when foreign governments engage with the military junta as though it were a government, this risks significant harms for the people of Myanmar, including:

- decisions being made on behalf of Myanmar people that are not in their interests;
- legitimizing the Myanmar military junta and assisting their illegal attempts to appear as a government; and
- assisting the military junta in its illegal (and to date unsuccessful) quest to take full control of the country.

The Ministry of Justice has already taken steps to support the people of Myanmar when you publicly stated that your assistance to the Union Attorney General's Office (UAGO) and the Supreme Court of the Union of Myanmar has been suspended since the military's attempted coup in 2021.^{vii} These efforts have been much appreciated by the people of Myanmar.

Meanwhile, we understand that the ASEAN-Japan Special Meeting of Justice Ministers (AJSMJ) is the first meeting of this type within the Ministry of Justice's "Justice Affairs Diplomacy" initiative that aims to promote fundamental values such as the rule of law and respect for human rights in the international community. We also understand that the meeting will be held under the theme "Advancing ASEAN-Japan Cooperation to Promote the Rules of Law: Towards a New Phase Beyond the 50th Year of Friendship and Cooperation".^{viii} With these

aims in mind, we request that you consider the following when confirming the participants in this meeting:

- it must be understood that the military junta is currently illegally and illegitimately occupying the institutions of national government in Myanmar and is not, by any definition, a government;
- Thida Oo, the military junta-appointed 'minister for legal affairs and union attorney general', has been sanctioned by the United States, United Kingdom and Canada for undermining democracy and the rule of law;^{ix}
- Tun Tun Oo, the military junta-appointed 'supreme court chief justice,' has been sanctioned by the United States and Canada for undermining democracy and the rule of law;^x
- the military has engaged in widespread and systematic extrajudicial killings, torture, sexual violence, arbitrary detention and imprisonment, severe restrictions on Myanmar people's access to justice;
- the military's atrocities against the people of Myanmar meet the definition of terrorism under international counter-terrorism treaties and domestic law;^{xi}
- there is no evidence that the military junta has ever adhered to the rule of law in the past or will do so in the future.

Thus, it would be an affront to democracy and the people of Myanmar to include military junta members in a meeting promoting the rule of law.

In consideration of the above, **we kindly request that you ensure that Japan does not provide political support and false legitimacy to the Myanmar military junta** by banning its representatives from the ASEAN-Japan Special Meeting of Justice Ministers.

Noting that other significant Japan-ASEAN meetings are also regularly scheduled by your ministry, we are seeking your confirmation that the people of Myanmar will be represented by their democratically elected government, the National Unity Government (NUG), and not by the illegitimate military junta, at all other ASEAN-Japan meetings which you will host.

This request echoes the recommendation of the United Nations Special Rapporteur for the situation of human rights in Myanmar^{xii} who urges that "Member States who support human rights, democracy, and the aspirations of the people of Myanmar publicly reject the SAC's false claim as a legitimate government and instead recognize the NUG as the legitimate representative of the people of Myanmar." Your decision to ensure that the people of Myanmar are represented by their democratically elected government, not the illegal military junta, would be in line with the Ministry for Justice's decision to cut assistance to Myanmar following the junta's attempted coup in 2021 as well as some recent decisions of ASEAN not to invite representatives of the military junta to high-level meetings.^{xiii xiv}

The Government of Japan must take significant steps to hold the Myanmar military accountable for its heinous crimes and bring justice and accountability for the people of Myanmar. The people of Myanmar depend on powerful members of the international community such as the Government of Japan to take all necessary actions to ensure that they and their legitimate government receive the relevant political and technical support. Such key actions include banning junta members from joining internationally-recognized inter-governmental forums.

The democratically elected National Unity Government can be contacted via the details provided on their official website: <https://www.nugmyanmar.org/en/>. The Minister for Justice, U Thein Oo, can be contacted at moj@nugmyanmar.org and the Minister for Foreign Affairs, H.E Daw Zin Mar Aung, can be contacted at mofa@nugmyanmar.org. The National Unity Government also has a representative in Japan, Saw Ba Hla Thein, office.jp@mofa.nugmyanmar.org, with whom we would encourage you to formulate a relationship if you have not done so already. If you require further information about the current situation in Myanmar, and/or assistance in distinguishing legitimate government representatives of Myanmar from illegal military junta members, we remain at your disposal to assist in this process.

We await your response with much anticipation and will continue to monitor whether your actions support the people of Myanmar or the brutal and illegitimate military junta.

Sincerely,

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This letter is endorsed by **411** organizations representing Myanmar, regional and international civil society, including 214 organizations which have chosen not to disclose their names.

List of organizations:

1. 5/ of Zaya State Strike
2. Action Committee for Democracy Development (Coalition of 14 grassroots networks)
3. Action Committee of Basic Education Students (ACBES)
4. Active Youths Kalaymyo
5. Ah Nah Podcast - Conversations with Myanmar
6. All Arakan Students' and Youths' Congress
7. All Arakan Youth Organization Network
8. All Aung Myay Thar San Schools Strike Force
9. All Burma Federation of Student Unions (Monywa District)

10. All Burma Indigenous People Alliance (ABIPA)
11. Alliance of Students' Union – Yangon (ASU-Yangon)
12. ALTSEAN-Burma
13. Anti-coup Forces Coordination Committee (ACFCC -Mandalay)
14. Anti-Junta Alliance Yangon-AJAY
15. Arakan CSO Network
16. Arakan Rohingya Development Association-Australia Inc
17. Asia Pacific Solidarity Coalition (APSOC)
18. Asian Forum for Human Rights and Development (FORUM-ASIA)
19. Assistance Association for Political Prisoners
20. Association of Human Rights Defenders and Promoters
21. Association Suisse-Birmanie
22. Athan - Freedom of Expression Activist Organization
23. Aung San Suu Kyi Park Norway
24. A-Yar-Taw People Strike
25. Ayeyawady Youth Network
26. Basic Education General Strike Committee (BEGSC)
27. Basic Education Worker Unions - Steering Committee (BEWU-SC)
28. BCC စစ်ကိုင်းတိုင်း
29. Burma Action Ireland
30. Burma Campaign UK
31. Burma Human Rights Network
32. Burmese Women's Union
33. CDM Medical Network (CDMMN)
34. Chanmyatharzi Township People's Strike
35. Chaung Oo Township Youth Strike Committee
36. Chin Community in Norway
37. Chin Human Rights Organization
38. Chindwin (West) Villages Women Strike
39. Civil Information Network (CIN)
40. Civil Society Organizations Coordination Committee (Monywa)
41. Coalition Strike Committee – Dawei
42. Co-operative University Mandalay Students' Strike
43. Creative Home
44. CRPH & NUG Supporters Ireland
45. CRPH Funding Ireland
46. CRPH Support Group, Norway and member organizations
47. CRPH, NUG Support Team Germany- Deutschland
48. Daung Sitthe Strike
49. Dawei (Ashaetaw) Women Strike
50. Democracy, Peace and Women's Organization

51. Democratic Party for a New Society, Norway
52. Depayin Township Revolution Steering Committee
53. Depayin Women Strike
54. Doh Atu - Ensemble pour le Myanmar
55. Dream Hope Goals Media Group
56. Educational Initiatives Prague
57. Equality Myanmar
58. Ethnic Youth General Strike Committee (Mandalay)
59. Federation of Workers' Union of the Burmese Citizen in Japan
60. Former Political Prisoners and New Generation Group – Monywa
61. Free Rohingya Coalition
62. Freedom and Labor Action Group (FLAG)
63. Future Light Center
64. Future Thanlwin
65. Gangaw Women Strike
66. General Strike Collaboration Committee (GSCC)
67. General Strike Committee of Basic and Higher Education (GSCBHE)
68. General Strike Committee of Nationalities (GSCN)
69. Grass-root People
70. Human Rights Educators' Network
71. Human Rights Foundation of Monland
72. India for Myanmar
73. Industries Strike
74. Info Birmanie
75. Initiatives for International Dialogue
76. Inlihtan Peninsula Tanintharyi
77. International Association, Myanmar - Switzerland (IAMS)
78. Kachin Association Norway
79. Kachin Student Union
80. Kachin Women's Association Thailand
81. Kalay Township Strike Force
82. Kalay Women Strike
83. Karen Human Rights Group
84. Karen Peace Support Network - KPSN
85. Karen Swedish Community (KSC)
86. Karen Women's Organization
87. Karenni Association - Norway
88. Karenni Civil Society Network
89. Kayan Women's Organization
90. K'cho Ethnic Association
91. Keng Tung Youth
92. Kyain Seikgyi Spring Revolution Leading Committee

93. Kyaukse University Students' Union
94. Kyauktada Strike Committe
95. Latpadaung Region Strike Committee
96. Let's Help Each Other
97. LGBT Alliance
98. LGBT Alliance Myanmar (Kalay Region)
99. LGBT Alliance Myanmar (Kyaukse Region)
100. LGBT Community Yangon
101. LGBT Union – Mandalay
102. MAGGA Initiative
103. Magway People's Revolution Committee
104. Maharaungmyay Township People's Strike
105. Mandalay University Students' Strike
106. Mandalay Alliance Coalition Strike
107. Mandalay Medical Family (MFM)
108. Mandalay Regional Youth Association (MRYA)
109. Mandalay Strike Force (MSF)
110. Mandalay Women Strike
111. Mandalay Youth Strike
112. Mandalay-based People's Strike
113. Mandalay-Based University Students' Unions (MDY_SUs)
114. MATA စစ်ကိုင်းတိုင်း
115. MayMyo Strike Force
116. Metta Campaign
117. Minority Affairs Institute
118. Monywa LGBT Strike
119. Monywa People's Strike Steering Committee
120. Monywa Women Strike
121. Monywa-Amyint Road Strike Leading Committee
122. Monywa-Amyint Road Women Strike
123. Multi-Religions Strike
124. Muslim Youth Network
125. Mya Taung Strike
126. Myanmar Action Group Denmark
127. Myanmar Campaign Network
128. Myanmar Community in Norway
129. Myanmar Diaspora Group Finland
130. Myanmar Hindu Community - Norway
131. Myanmar Institute of Information Technology Students' Strike
132. Myanmar Labor Alliance (MLA)
133. Myanmar People Alliance (Shan State)

134. Myaung Youth Network
135. Myingyan Civillian Movement Committee
136. National League for Democracy (Monywa Township)
137. Netherlands-Myanmar Solidarity Platform
138. Network for Human Rights Documentation Burma (ND-Burma)
139. Network of University Student Unions – Monywa
140. NLD Organization Committee (International) Norway
141. No.12 Basic Education Branch High School (Maharaungmyay) Students' Union
142. Norway Falam Community
143. Norway Matu Community
144. Norway Rawang Community
145. NRFF - New Rehmonnya Federated Force
146. Nyan Lynn Thit Analytica
147. Olive Organization
148. Padauk Finland-Myanmar Association
149. Pale Township People's Strike Steering Committee
150. Progressive Voice
151. Pyi Gyi Tagon Strike Force
152. Representative Committee of University Teacher Associations (RC of UTAs)
153. Rohingya Community in Norway
154. Samgha Sammaga-Mandalay
155. Save and Care Organization for Women at Ethnic Women at Border Areas
156. Seinpann Strike
157. Shan MATA
158. Shwe Pan Kone People`s Strike Steering Committee
159. Sitt Nyein Pann Foundation
160. Southern Dragon Myanmar
161. Southern Youth Development Organization
162. Spring Revolution Myanmar Muslim Network
163. Ta'ang Women's Organization
164. Tamar Institute for Development
165. Tanintharyi MATA
166. Tanintharyi Nationalities Congress
167. Taze Strike Commitee
168. Taze Women Strike
169. Tenasserim Students Unions Network - TSUN
170. Thakhin Kodaw Mhine Peace Network (Monywa)
171. Thayat Chaung Women Strike
172. The 88 Generation Peace and Open Society (Monywa)
173. The Ladies
174. Thint Myat Lo Thu Myar Organization
175. TRF (Myanmar)

176. Twitter Team for Revolution (TTFR)
177. U.S. Campaign for Burma
178. University Students' Unions Alumni Force
179. Volunteers in Myanmar
180. Wetlet Revolution Leading Committee
181. Wetlet Twonship Women Strike
182. White Coat Society Yangon (WCSY)
183. With Myanmar UK
184. Women Alliance Burma (WAB)
185. Yadanabon University Students' Union (YDNBUSU)
186. Yangon Medical Network
187. Yangon Revolution Force - YRF (Soft Strike Community)
188. Yangon Women Strike
189. Yasakyo Township People's Strike Steering Committee
190. Yinmarpin and Salingyi All Villages Strike Committee
191. Youth for Democratization of Myanmar (UDM)
192. Zomi Christian Fellowship of Norway
193. Zomi Community Norway
194. ထီးချိုင့်ကွန်ယက်
195. နားထောင်ရင်းလှူပေးပါ
196. မျိုးဆက်-Generations
197. အထက်အညာလွင်ပြင်ရပ်ဝန်း

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^{iv} *Briefing Paper: Effective Control in Myanmar*, Special Advisory Council for Myanmar, 5 September 2022, <https://specialadvisorycouncil.org/2022/09/briefing-effective-control-myanmar/>

^v Assistance Association For Political Prisoners (Burma), *Daily briefing*, 3 July 2023, <https://aappb.org/?p=25481>

^{vi} UNHCR Regional Bureau for Asia and Pacific, *Myanmar Emergency Update*, 1 May 2023, <https://reporting.unhcr.org/myanmar-emergency-regional-update>

^{vii} Government of Japan, Ministry of Justice, International Cooperation Department Research and Training Institute, March 2023, <https://www.moj.go.jp/content/001393749.pdf>

^{viii} Republic of the Philippines, Department of Justice, *Japan to host special meeting of ASEAN justice ministers*, October 2022 https://www.doi.gov.ph/news_article.html?newsid=766

^{ix} Aljazeera, *US, UK, Canada sanction top Myanmar justice officials*, 31 January 2022, <https://www.aljazeera.com/news/2022/1/31/us-britain-canada-hit-top-myanmar-justice-officials-with-sanctions>

^x Aljazeera, *US, UK, Canada sanction top Myanmar justice officials*, 31 January 2022, <https://www.aljazeera.com/news/2022/1/31/us-britain-canada-hit-top-myanmar-justice-officials-with-sanctions>

^{xi} Special Advisory Council Myanmar, *The Myanmar Military is a Terrorist Organization Under Law*, 14 December 2021, <https://specialadvisorycouncil.org/wp-content/uploads/2021/12/SAC-M-Briefing-Paper-Myanmar-Military-Terrorist-Organisation-ENGLISH.pdf>

^{xii} Thomas Andrews, *Illegal and Illegitimate: Examining the Myanmar military's claim as the Government of Myanmar and the international response* Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/52/CRP.2), 31 January 2023, <https://www.ohchr.org/sites/default/files/documents/countries/mm/2023-01-27/crp-sr-myanmar-2023-01-31.pdf>

^{xiii} Radio Free Asia, *Cambodia Postpones First ASEAN Meeting Amid Differences Among Members*, Voice of America, 13 January 2022, <https://www.voanews.com/a/cambodia-postpones-first-asean-meeting-amid-differencesamong-members-/6395847.html>

^{xiv} The Straits Times/Asia News Network, *Myanmar junta snubbed at Asean defense chiefs' meet*, The Inquirer, 23 November 2022, <https://globalnation.inquirer.net/208753/myanmar-junta-snubbed-at-asean-defense-chiefsmeet>