

To ASEAN leaders:

H.E. Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah, Prime Minister of Brunei

H.E. Hun Manet, Prime Minister of Cambodia

H.E. Joko Widodo, President of Indonesia

H.E. Sonexay Siphandone, Prime Minister of Laos

H.E. Anwar bin Ibrahim, Prime Minister of Malaysia

H.E. Ferdinand Romualdez Marcos Jr, President of the Philippines

H.E. Lee Hsien Loong, Prime Minister of Singapore

H.E. Srettha Thavisin, Prime Minister of Thailand

H.E. Phạm Minh Chính, Prime Minister of Vietnam

Re: Presentation of analysis, findings, and recommendations from Myanmar Day: Hearing from People on the Ground and Experts in the Region

6 September 2023

Your Excellencies,

We, the undersigned nine Myanmar and regional civil society organisations, write to present to you the analysis, findings, and recommendations from the **Myanmar Day: Hearing from People on the Ground and Experts in the Region** event, which was organised by the signatories on 30 August 2023 in Jakarta, Indonesia.

On 30 August 2023, the undersigned organisations convened two distinguished panels under **Myanmar Day: Hearing from People on the Ground and Experts in the Region**: Public Hearing on International Crimes in Myanmar and Expert Panel on ASEAN's Approach and Responses to Multi-Dimensional Crisis in Myanmar. The two panels aimed to highlight the experiences of survivors of human rights violations and to obtain recommendations for ASEAN leaders on how the regional bloc should move forward to address the crisis in Myanmar.

The *Public Hearing on International Crimes in Myanmar* presented a total of 11 testimonies of survivors of gross human rights violations – committed by the Myanmar military junta over the past 30 months since its illegal coup attempt – to a panel of regional human rights experts and general participants. We had collected ten testimonies from six women and four men survivors of the military's atrocities in Chin and Karenni States and Sagaing, Magwe, and Mandalay Regions. We also heard an in-person testimony of a Rohingya survivor at the event. The Public Hearing was chaired by a panel of regional human rights experts consisting of Andy Yentriyani (Indonesia), Edmund Bon (Malaysia), Galuh Wandita (Indonesia), Muhamad Isnur (Indonesia), and Professor Dr. Sriprapha Petcharamesree (Thailand).

On the Public Hearing panel, the experts identified the following patterns of human rights violations by the Myanmar military junta: **indiscriminate air attacks and bombings, destruction of food sources and valuables, collective punishment, killings, torture, rape, ill-treatment of detainees, genocide, crimes against humanity, and war crimes, among other issues**. The full list of responses and observations is provided for your consideration in the annex.

The second panel *Expert Panel on ASEAN's Approach and Responses to Multi-Dimensional Crisis in Myanmar* discussed the regional bloc's current policy and actions to the crisis in Myanmar over the past two and a half years, in particular the implementation of the Five-Point Consensus. The panel of

experts consisted of Adelina Kamal (Indonesia), Eva Kusuma Sundari (Indonesia), Atty. Evalyn Ursua (Philippines), Professor Dr. Thitinan Pongsudhirak (Thailand), and Salai Za Uk Ling (Myanmar).

The expert panel recognised that the ongoing violence in Myanmar caused by the Myanmar military junta's atrocities represents the lowest point of ASEAN's existence and influence in which actions by the regional bloc do not represent the freedom and democracy values of ASEAN people and the ASEAN Charter.

The panel further acknowledged the failure of the Five-Point Consensus, in particular the cessation of violence on the ground and the provision of humanitarian assistance. The experts discussed that the current crisis has demonstrated broadly different patterns of violence compared to those in the 1990s and the 2000s in Myanmar. As such, ASEAN cannot take the same reactive approach but must immediately develop innovative and more effective measures to address the Myanmar crisis, namely an increased scale of involvement of ASEAN Member States and more direct actions on the ground.

The experts unanimously agreed that it is imperative to address the root causes of the problem, which is the military junta itself. Historical records have shown that the junta has no political will to end the crisis or even to follow the Five-Point Consensus. Therefore, the experts urged ASEAN to cut ties with the junta and not give them further legitimacy.

Further, human-rights based and victims-centred strategies need to be developed in order for the regional bloc to navigate actions beyond the Five-Point Consensus. In particular, to address the humanitarian catastrophe in Myanmar, the experts recommended strategic cooperation between countries sharing borders with Myanmar for more effective aid delivery. With the objective of truly achieving meaningful humanitarian benefits rather than political gains, the panel proposed that ASEAN shifts to a people-centred approach by building its humanitarian assistance on the existing capacity of locally-led humanitarian responders and local governance structures.

Your Excellencies, we present to you these findings and recommendations for your consideration in your respective country's and ASEAN's current and future efforts in attempting to address the intensifying multi-dimensional crisis in Myanmar.

We truly hope for your time and recognition of the [voices](#) of the victims and survivors who have endured gross human rights violations by the Myanmar military. We remain at your disposal to assist in developing an effective regional approach. Should any need for clarification of the findings and recommendations arise, please do not hesitate to contact Khin Ohmar (khinohmar@progressive-voice.org) or Cornelius Hanung (hanung@forum-asia.org).

Sincerely,

- Alternative ASEAN Network on Burma (ALTSEAN-Burma)
- Asia Justice and Rights (AJAR)
- Asian Forum for Human Rights and Development (FORUM-ASIA)
- Initiatives for International Dialogue (IID)
- Komisi untuk Orang Hilang dan Korban Tindak Kekerasan (KontraS)
- Myanmar National Organizing Committee for ASEAN Civil Society Conference/ASEAN Peoples' Forum (ACSC/APF)
- Network for Human Rights Documentation Burma (ND-Burma)
- Progressive Voice
- YAPPIKA

Annex: Public Hearing Panel’s Observations and Response

Presented to the Public Hearing on Human Rights Violations and International Crimes in Myanmar by the panel of human rights experts on 30 August 2023 in Jakarta, Indonesia

Introduction

Today we, a group of 5 human rights experts from ASEAN countries, listened to the video testimonies from Myanmar: 6 women, and 4 men, survivors of atrocities from Chin, Kareni, Sagaing, Magwe and Mandalay Regions. We also heard the in-person testimony by a Rohingya survivor.

First, we commend the victims' and survivors' strength and courage as they persevered with tremendous tenacity. They chose to speak out under very difficult circumstances, many still living as displaced people and in a situation where their lives are at risk.

The video testimonies provided a clear picture of atrocities taking place right now, with graphic and difficult descriptions of atrocities against civilians – designed to break the spirit of civilians suspected to support the resistance movement. The attacks and acts of torture and violence, targeted families, husbands and wives, men and women, school children, school teachers, doctors, religious leaders, elderly etc.

Patterns of human rights violations in the 11 testimonies

Many of the testifiers spoke about the **indiscriminate air attacks and bombings** of civilian targets. This included:

- Attacking churches, homes of local villagers, schools, and IDP camps and bomb shelters which have been built by civilians to protect themselves.
- Churches and shrines were deliberately targeted to break the spirits of communities, attacking and torturing clergy/monks and other religious leaders;
- Bombs are dropped in a systematic, widespread, and continuous way – with villages being under sustained attack for many hours.
- Landmines have been planted in different areas, causing loss of limbs and lives.

Attacks were conducted in a way to create long-term impact on the survival of civilian communities, including **destruction of food sources and valuables**:

- Soldiers taking food supplies, rice and livestock, and burning the remainders.
- Looting of jewelry, money, other valuable possessions, as part of attacks on civilians.

Many of the testifiers described instances of **collective punishment**, including targeting school children

- Children, school children bombed during school time; Children impacted by shrapnel. There seems to be indication of a deliberate strategy to impact the young generation and the teachers. Attacking and firing into a primary school filled with school children for a long period of time.
- In one case, a witness spoke of children being used as human shields.
- Collective punishment, attacking villagers accused of supporting PDF, group arrests/taking of hostages, demeaning and ill-treatment to get community members to point fingers at resistance supporters.

Throughout the testimonies, witnesses spoke about those who were killed through bombing and air attacks, as well as more targeted **killings**. This included:

- Extra-judicial killings, families targeted (brother, husband, mother) and bodies being left without care, as a possible warning to others.

We heard the testimony of two **rape** survivors, and a political prisoner victim of torture. They described a pattern of **torture, rape and ill-treatment of detainees**, including the establishment of **interrogation centers**:

- Rape, multiple/ gang rape, sexual torture, husband made to witness, tied up and beaten up, treated in a demeaning way.
- Sexual harassment against female detainee and threat of rape of his wife against male detainee.
- Prolonged torture; victims hearing others being tortured, as a way to pressure them.
- Detainees not provided with food, or given moldy food, insufficient water, and poor living conditions. Detainees spoke of conditions where they were detained with no facilities for sanitation; no medical care for those injured from torture.
- Beating with wire, and pipes.
- Some detainees were disappeared – after being tortured; there is no information of their current whereabouts.
- Separating men and women, parents from children.

Through the 11 testimonies, we were able to get a picture of the long-term **impact** of the conflict:

- Vulnerable groups, elderly, children, women suffering from the conflict.
- Lack of medical care for victims of bombing, and other forms of violence.
- Poor food security for communities.
- Loss of opportunities for education, loss of key cultural and religious sites.

Lastly, we heard directly the personal experience of **persecution** of a Rohingya survivor:

- Lack of freedom of movement, requiring special permit for Rohingya if they travel outside their homes.
- Lack of security and a continuous ‘circle of human rights abuse’.
- Intent to destroy and annihilate the Rohingya community during police and military joint operations.
- Stigma and bad propaganda, rejection and isolation in refugee camps.
- Systemic discrimination against the Rohingya and other ethnic and religious minorities.

Observations on gendered patterns of violations, discrimination/vulnerabilities

In all conflict situations, we were repeatedly being informed that women are vulnerable to sexual violence, particularly in the form of threats and acts of rape. This is directly linked to the deployment of rape as a weapon of war aiming to emasculate the opposition, both individually and as a group or community. The deployment is deeply rooted in a patriarchal gendered structure in which ability to protect women’s purity symbolises the male capacity of guardianship.

Likewise in the situation in Myanmar, two testimonies particularly exemplified this situation, both were gang raped; one was seven months pregnant and the other one just gave birth one and half months before. Both were raped before their husbands who were also severely beaten up. Another testimony informed us that verbal sexual harassment and threat to rape were conducted against female detainee, and the threat of rape against one’s wife was used to obtain information from male detainee.

It is noteworthy that the impact of rape is severe, as the trauma haunts the survivors for lifetime and many also have to survive the dissolution of their marriage or prolonged domestic abuse by their “emasculated” partner.

Whilst the rape and other sexual violence is the most striking feature of gendered patterns of violation during conflict/war time, there are also gendered impacts from other acts of violence experienced by

both men and women, as well as other gender. Hence, integration of gender perspective is imperative in all interventions and remedies to be provided.

Observations around testimonies on mass atrocity crimes and breaches of international human rights and humanitarian law:

The testimonies of the survivors, victims and witnesses consistently point to grave, wilful and systematic conduct of human rights violations. These violations include wilful killing, murder, grievous bodily harm, assault, rape, sexual violence, torture, enforced disappearances, deprivation of liberty, unlawful and forced displacement, and arbitrary detention, among others.

The survivors and victims are civilians and include women and children.

The violations were committed by the Myanmar military and security forces including the police. They are under the control, command and supervision of the current administration of Myanmar, namely, the State Administration Council that is led by the armed forces general, Min Aung Hlaing.

The conduct of the perpetrators amounts to serious violations of Myanmar law, and international human rights and humanitarian law. These laws include the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC) and the Geneva Conventions.

In particular, the perpetrators have committed **genocide, crimes against humanity, and war crimes**. They seem to have been committed with the intention both to eliminate dissent and opposition towards the Myanmar military rule and also to persecute civilians based on their ethnicity, religion and origin. Most affected are ethnic and indigenous minority groups in Myanmar.

The attacks reported appear to be part of a **widespread and systematic attack** directed against a civilian population. There is no defense, excuse or justification for this sort of conduct by the Myanmar military and security forces.

These findings also corroborate the reports made by bodies such as the United Nations Independent International Fact-Finding Mission on Myanmar (IIFMM).

What survivors said about their hopes

We noted that survivors still spoke about their demands and hope for the future:

- “Actions must be taken. I demand it. There is no rule of law in this country. There must be accountability.”
- “Unless violence and impunity is dealt with, there is no way out. The flood of violence until today.”
- “Treat us with the human dignity that we deserve.”

Recommendations to ASEAN, international community and civil society (inside and outside Myanmar)

Urging ASEAN leaders, ASEAN Chair: Indonesia President Joko Widodo, the international community, and civil society to act now to:

- Stop all forms of genocide, crimes against humanity and war crimes in Myanmar;
- Allow unimpeded access of humanitarian aid and protection of vulnerable people, children, women, elderly, those wounded;
- Release immediately all those arbitrarily detained, prosecuted and/or sentenced, notably for the mere exercise of their rights to freedom of expression, association and peaceful assembly,

and discontinue politically motivated prosecutions, including civil society representatives, human rights defenders and all other persons expressing opposition to the military's assertion of power;

- Immediately abstain from any action, including killings, displacements, arrests and harassment targeting members of the ethnic and indigenous minority; and ensure full and continuing compliance with the provisional measures ordered by the International Court of Justice;
- Cease all forms of assistance, support, access and sale of warplanes, missiles, bombs, and all other forms of weaponry to the military junta;
- To establish an ad hoc ASEAN body or unit aimed at stopping the continuing human rights violations by Myanmar's military;
- To, through the AHA Centre and other international bodies including the International Committee of the Red Cross (ICRC) and local/national civil society, immediately allow medical and humanitarian aid to victims, survivors and impacted communities in Myanmar;
- To establish an ASEAN or multi-country or a coalition of the willing peace-keeping force that can have access to affected communities and areas in Myanmar;
- To establish a multi-country inquiry on gender-based violence in Myanmar, including all those displaced inside and outside of Myanmar, as well as Rohingya in the refugee camps. The inquiry should result in urgent reparative measures and other healing initiatives;
- To cooperate with the United Nations and establish an ASEAN-backed mechanism or tribunal that will be able to receive communications and hear evidence of human rights violations and to take accountability measures against the perpetrators; and
- To engage with the Five Action Points proposed by Myanmar civil society groups to ASEAN, including recognising the NUG and the NUCC and ethnic group stakeholders as the legitimate representatives of the Myanmar people, and demand not to support sham elections in the near future.

Panel Group Members

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