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6 October 2021

To UN Member States

RE: OPEN LETTER ON THE NEED FOR URGENT ACTION TO END VIOLATIONS AND IMPUNITY IN MYANMAR

Your Excellencies,

I urge you, as Member States of the United Nations, to take further urgent and concrete action to halt the ongoing human rights and humanitarian catastrophe in Myanmar and hold to account those responsible for human rights violations.

I am sharing an appeal signed by over 70,000 people from 161 countries and territories to governments and businesses around the world, to unite to protect the people of Myanmar. They specifically urge governments to:

- increase diplomatic pressure to stop the Myanmar military's human rights violations and to hold perpetrators accountable;
- stop the flow of all arms and other resources to the Myanmar military used to commit violations;
- request ASEAN to implement its Five-Point Consensus with a clear timeline, call for the release of all individuals arbitrarily detained, and support UN actions;
- increase humanitarian assistance;

Additionally, local and foreign businesses are asked to fulfil their responsibility to respect human rights, including to assess the human rights impact of their operations and partnerships in Myanmar.

In just eight months since the coup, the Myanmar security forces have killed over 1,100 people, and injured countless protesters, bystanders, and other civilians. More than 7,000 people remain arbitrarily detained under repressive laws, largely for exercising their rights to freedom of expression, association, and peaceful assembly, with reports of torture in custody continuing to emerge. These rights are further curtailed with the rise of state surveillance and censorship, including continued attacks by security forces on media workers and those who speak out against the coup, blocking of websites, a ban on satellite dishes, and internet shutdowns and slowdowns. Escalating armed violence has killed or injured civilians and recently displaced over 237,000 people from their homes. The healthcare system is broken amid a global pandemic and crumbling further under attacks by security forces on healthcare workers. The economy continues to collapse with millions of people losing their livelihoods, particularly women, and millions facing hunger or expected to face hunger in the coming months.

The crimes occurring in Myanmar after the coup are "widespread and systematic," according to the latest analysis of the Independent Investigative Mechanism for Myanmar, which was established by the Human Rights Council in 2018 to collect, consolidate, preserve, and analyse evidence of the most serious international crimes committed in Myanmar since 2011, and to prepare files for future prosecutions. The Special Rapporteur on the situation of human rights in Myanmar has warned that these post-coup violations "amounted to crimes against humanity"; and the UN High Commissioner for Human Rights has urged states with influence to pressure the Myanmar military "to halt the commission of grave human rights violations and possible crimes against humanity".

The suspected perpetrators of these crimes under international law include the coup leader and Commander-in-Chief of the military, Senior General Min Aung Hlaing, and other senior military leaders and commanders, who the UN's Fact-Finding Mission has previously called for to be investigated and prosecuted for genocide, crimes against humanity, and war crimes. The renewed round of atrocities currently devastating communities across the country has been made possible because of the continued impunity enjoyed by the military.

After years of diplomatic endeavours, the outgoing Special Envoy of UN-Secretary General on Myanmar has concluded that the military does not welcome an inclusive dialogue, and clearly lacks the will for a peaceful solution. In the absence of adequate and concrete actions capable of averting the onslaught of human rights violations, many people in Myanmar are taking matters into their own hands. Myanmar's self-declared parallel government, the National Unity Government, declared "a people's defensive war against the military junta" earlier this month, which could result in a full-blown war and a deepening of the ongoing human rights and humanitarian crisis across the country.

I acknowledge and appreciate the statements and actions taken so far by the UN, including: the statement on Myanmar by the President of the UN Security Council issued in March, condemning the violence against peaceful protesters and calling on the military to exercise utmost restraint; the resolution overwhelmingly adopted at the UN General Assembly in June, calling on all member states to prevent the flow of arms into Myanmar; and the resolution adopted by consensus at the 46th Session of the Human Right Council, mandating the UN Office of the High Commissioner for Human Rights to focus on enhanced monitoring, documentation, analysis, and public reporting on the human rights situation, and to follow up on the findings and recommendations of the 2019 report by the UN's Fact-Finding Mission on the economic interests of the military.

However, these statements of concern and actions have yet to lead to meaningful improvement in the lives of the over 54 million people in Myanmar, and of the hundreds of thousands who have already fled the country for their safety. Further concrete actions, in particular by the Security Council and the ASEAN, are required urgently, so that the enjoyment of human rights is a lived reality in Myanmar. Words without accompanying concrete measures do not have much, if any, impact on the conduct of the Myanmar military, particularly while governments and corporations continue to operate business as usual, providing resources and enabling the military to further commit human rights violations.

"How many bodies does the UN need to take action?" asked 23-year-old Nyi Nyi Aung Htet Naing, the day before he was shot dead on 28 February, while peacefully protesting in Yangon, Myanmar's largest city. At that point, the death toll stood at 23. Today, his twin brother is in hiding, his mother is held hostage by the military, and over 1,100 people have been killed by the Myanmar security forces.

The international community has a responsibility to act, to end the cycle of human rights violations and impunity in Myanmar. Failure to act has already cost Myanmar a heavy price in lost lives and liberties – and the death toll is only likely to worsen if urgent interventions are not made. Concrete measures, such as those called for by tens of thousands of people around the world, are urgently needed, including: the implementation of a comprehensive global arms embargo on Myanmar and targeted financial sanctions on senior officials; referring the situation of Myanmar to the International Criminal Court; increasing humanitarian aid; and pressuring the Myanmar military to release all individuals arbitrarily detained. I urge governments and businesses to unite to prevent further unlawful killings and repression, protect the people of Myanmar, and end decades of impunity.

Yours sincerely,

Agnès Callamard
Secretary General