

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

10 November 2022

Index Number: ASA 16/6191/2022

# MYANMAR: ASEAN LEADERS MUST HELP END ATROCITIES BY THE MILITARY

Almost two years after the military coup, over 1.4 million people are displaced inside Myanmar, 12,839 people are detained in inhumane conditions, at least 73 people remain on death row, and 7.8 million children are out of school. The Myanmar military has killed hundreds of protesters and bystanders, and thousands have died as a result of armed conflict across the country since the coup. The Myanmar military is flagrantly ignoring calls to respect human rights, including the ASEAN five-point consensus which they agreed to implement in April 2021. ASEAN must act with the utmost urgency to convince the Myanmar military to stop committing atrocities and listen to the Myanmar people who are the key stakeholders. There is no time for further delay.

### WE URGE ASEAN LEADERS TO COMMIT TO THE FOLLOWING:

- Ensure that any decision on Myanmar is grounded in the views of civil society groups and affected communities, including ethnic minority groups;
- Refrain from returning any person to Myanmar under the current circumstances, regardless of their immigration status, and immediately halt all deportations until human rights protections can be guaranteed. Returning any person to Myanmar under the current circumstances is contrary to the principle of non-refoulement, which, as part of customary human rights law, prohibits the return of any person, irrespective of migration status, to a state where there are substantial grounds to believe they would face persecution, or other serious human rights violations, such as arbitrary arrest, torture and other ill-treatment;
- Allow unimpeded humanitarian access for refugees and asylum seekers, including by allowing UN, international, and national humanitarian organizations to assess their needs and deliver humanitarian assistance to them in a timely fashion;
- Impose a suspension of all arms transfers to Myanmar including all weapons, munitions, surveillance technologies, and other military and security equipment, and the provision of training and other military and security assistance;
- Impose a suspension of the direct and indirect supply, sale or transfer, including transit, trans-shipment and brokering of aviation fuel to Myanmar until effective mechanisms are in place to ensure that aviation fuel will not be used to commit serious violations of international human rights law or international humanitarian law;
- When imposing a suspension on the supply of aviation fuel, monitor the adverse impact of such suspension and take all possible steps to mitigate the impact, including by increasing financial support to those involved in humanitarian assistance and operations to address any increased cost of these activities;
- Guarantee that telecommunication service providers in each member state allow uninterrupted internet access and prevent any forms of surveillance or content blocks in response to the Myanmar military's ongoing internet shutdowns in order to protect the rights to privacy and freedom of expression for the people of Myanmar;
- Support calls for the UN Security Council (UNSC) to adopt a binding resolution to: impose a comprehensive global arms embargo on Myanmar, impose targeted financial sanctions against officials suspected of responsibility for crimes under international law and serious violations; and refer the situation in Myanmar to the International Criminal Court;
- Exercise universal and other forms of jurisdiction to investigate any person who may reasonably be suspected of committing crimes against humanity, war crimes or other crimes under international law in Myanmar. Where there is sufficient admissible evidence, prosecute the suspect in proceedings that

meet international standards of fairness and that do not involve seeking or imposing the death penalty, or extradite the suspect to a jurisdiction that will do so;

- Direct the ASEAN Intergovernmental Commission on Human Rights (AICHR) to develop a common approach to ensure that all engagement with Myanmar considers and addresses human rights concerns, in accordance with the AICHR's mandate in Section 4.11 of its Terms of Reference. This common approach should be adopted by ASEAN as a whole and should guide the regional body in all of its engagement in Myanmar, including in relation to Rakhine State, and include policies and public advocacy stances.

## **WE URGE THE MYANMAR MILITARY TO IMPLEMENT THE FOLLOWING:**

- Immediately release all those detained or imprisoned solely for the peaceful exercise of their human rights and drop all charges pending against those who are facing imprisonment solely for the peaceful exercise of these rights. Expunge the criminal records of all those convicted solely for the peaceful exercise of their rights;
- Provide immediate, unfettered, and sustained humanitarian access throughout the country, including in Rakhine, Kachin, Chin, Kayin, Kayah, Mon and Shan States, and Sagaing and Magway Regions, including by allowing UN, international, and national humanitarian organizations to assess and monitor the needs of displaced persons and others in need and to deliver assistance to them;
- End the use of unguided air strikes in civilian areas. Even when there are military objectives in the vicinity, the military's employment of very large "dumb" bombs and unguided rockets have caused significant civilian casualties and violate the prohibition on indiscriminate attacks;
- Immediately end and prevent further crimes under international law and other human rights and humanitarian law violations. Adhere strictly to the provisions of international humanitarian law, including the Geneva Conventions of 1949 and the customary rules on the conduct of hostilities.