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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Centre pour les Droits Civils et Politiques - Centre CCPR, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 February 2024]

* Issued as received, in the language of submission only.



Myanmar – The Need for Sustained Attention and Long-Term Engagement

3 years have passed since the illegal coup by Myanmar military in February 2021 and the human rights situation in Myanmar still demands effective action from the international community. The junta continues carrying out airstrikes and heavy artillery bombings resulting in a high number of civilian casualties, especially in Shan and Kayah States after the start of the operation 1027, while committing atrocities against civilians including indiscriminate shelling, extrajudicial killings, raiding and burning villages in different States and Regions such as Bago, Chin, Mandalay, Rakhine and Sagaing. According to the Assistance Association for Political Prisoners (AAPP), an estimated total of 4,273 civilians have been killed since the 2021 coup as of 31 December 2023. Multi-dimensional and -sectoral crises caused by the junta steadily deteriorates as the junta seeking to hold on the power, continuing its atrocity while enjoying impunity, and clashes increasing and intensifying various areas of Myanmar. In September 2023, the SAC also amended the Union Tax Law, requiring Myanmar citizens working abroad to transfer 10% of their foreign incomes in taxes to the junta.

The number of the Internally Displaced Persons (IDPs) has been increasing due the junta's atrocity and ongoing fighting, while the humanitarian crisis has become more and more dire. According to OCHA, there were more than 2.6 million IDPs nationwide, of which 2.3 million since the coup in February 2021, and an estimated 628,000 people forced to flee since the intensification of fighting after the launch of the operation 1027 at the end of October 2023. There were also reports that the junta has been evicting residents of villages in an attempt to prevent them from being infiltrated by resistance members, such as the case in Mandalay Region in August 2023, among many examples.

Furthermore, as a result of ongoing fights and increasing frontlines between the Myanmar military and resistance groups such as Peoples Defence Force (PDFs) and Ethnic Armed Organizations (EAOs), in particular repeated losses in various fronts and its ground accompanied with surrender and defection of numerous personnel including Commanders, especially since the launch of the operation 1027, the junta seems to have become more desperate to maintain its force. While increasing its reliance on indiscriminate air strikes and shelling, forced recruitment of soldiers by the junta and affiliated militias were reported in particular from different townships and villages in Southwest Myanmar such as Bago, Magway and Ayeyarwady Regions, whereby typically imposing quota of recruits per village and using different tactics e.g. offering incentives of cash and rice, using raffles, demanding fines, and threatening to burn down villages that do not fulfil the quota, as a result forcing some villagers to flee. The reported sentencing of six brigadier generals to death and life imprisonment by a military court in Naypyidaw following their surrender to resistance forces in northern Shan State can also be seen as an indication of the desperation of the military and incompetence of its leadership including complete disregard for human lives and peace building.

Arbitrary Arrest, Torture and Ill-Treatment of Detainees, Death in Detention

Arbitrary arrest and detention of civilians are also continuing, in blatant violation of the article 9 of the International Covenant on Civil and Political Rights (ICCPR), including through raids and road checkpoints. There have also been reports of kidnapping and abduction of villagers by the junta during raids and that the junta was using those captured as human shields or demanding ransom from their family members. According to AAPP, more than 25 thousand have been arrested by the junta since February 2021 up to the end of December 2023, of which 1,533 were arrested between 31 July and 31 December 2023, and nearly 20 thousand still remain detained at the end of 2023. While 7,749 detainees were released from jail through an amnesty granted by the junta on 1 August 2023 to mark a national holiday, only a few were from several thousand political prisoners held in prison and had only a few remaining months of their sentences to serve.

Those arrested are further deprived of their rights enshrined in the ICCPR. They commonly experience violence, torture and other forms of ill-treatment at the hands of the junta interrogators, police and prison guards. There are numerous reports of physical and mental torture, including beatings, threats and deprivation of water and food, denial of medical treatment to name a few, whereby a number of cases also resulting in death of the detainees. Torture is rampantly used as a method in order to force detainees to confess, or sign the investigation form without being allowed to read it, which are used as the, often sole, evidence for their conviction. Sexual harassment and abuses against female detainees are reported to be routinely committed including strip and body cavity searches. Prison visits by family members and lawyers are quite restricted, especially in case of political prisoners and those charged under the Anti-Terrorism Act and Weapon Law, whereby ongoing and increasing clashes between the junta and resistance forces are also resulting in increased difficulties for transport of goods and movement of people attempting to visit prisons.

Collapsed Judiciary and Complete Disregard for Fair Trial Guarantee

Junta-controlled courts continued handing down hefty prison sentences to perceived junta opponents through unfair trials, which completely lacks transparency, impartiality and due process violating almost all the fair trial guarantees enshrined in the ICCPR article 14. While cases of persons charged under the Penal Code 505 seems to be decreasing, more persons are charged with the Anti-Terrorism Act and the Weapon Law under which public access to hearings and lawyers' access to the defendant are highly restricted. Furthermore, as far as we could monitor, trials of Anti-Terrorism Act and Weapon Law cases were often carried out without presence of defendants, defence lawyers and witnesses, citing alleged security concerns as the reason. Communication between defendants and their lawyers have been almost always restricted and closely monitored.

Confessions obtained through torture were routinely used as evidence, often as the only one. In many cases, judges tend to be solely focusing on sentencing the defendant and treat them as if they are already convicted from the beginning. They often disregard evidences and arguments presented by the defence, reject questions from defence lawyers and in some cases requesting defence lawyers to shorten questioning and bring only a minimum number of witnesses during proceedings. Another highly concerning trend we could observe was the increase in the reports of corruption in the judiciary and law enforcement under the junta. Police, prison and judiciary officers including judges are asking money in exchange for allowing prison visits, deliveries of good to detainees, meeting between defendants and their families, bringing defence witnesses, release of the detained and reducing the length of the imprisonment.

Blatant Violation of Civil and Political Rights

Over three years since the illegal coup, the crisis in Myanmar requires unceasing attention and decisive action of the international community. The military is continuing its atrocity against the people of Myanmar and there is great risk of escalation as the clashes are increasing and intensifying. Grave violations of international human rights and humanitarian law, including war crimes and crimes against humanity, are committed with impunity. There is still a long way to go to realise accountability of the perpetrator and justice for victims, while domestic system for effective judiciary and governance has been completely broken down by the junta. Our monitoring identified numerous violations of the ICCPR, including its articles 2 (non-discrimination, legal framework, access to remedies), 6 (right to life), 7 (prohibition of torture), 8 (prohibition of slavery), 9 (prohibition of arbitrary detention), 10 (conditions of detention), 12 (freedom of movement), 14 (equality before courts and fair trial), 16 (recognition as a person before law), 17 (right to privacy), 18 (freedom of religion), 19 (freedom of expression), 20 (prohibition of propaganda for war and incitement of hatred), 21 (freedom of peaceful assembly), 22 (freedom of association), 23 (right to a family), 24 (rights of the child), 25 (electoral rights), 26 (equality before the law) and 27 (rights of minorities).

The Human Rights Council has a crucial role to play to save the lives of millions of people in Myanmar through facilitation of immediate intervention from the international community, and to enhance accountability process, whereby independent prison and trial monitoring as well as provision of practical support for defence lawyers should also be facilitated. Furthermore, it should also assist people of Myanmar through long-term and comprehensive engagement to strengthen the rule of law and protection of human rights in the country. Promoting the ratification of the ICCPR by Myanmar and building capacity of all relevant actors for its effective implementation must be a part of such efforts.
