



# General Assembly

Distr.: General  
27 February 2023

English only

---

## Human Rights Council

### Fifty-second session

27 February–31 March 2023

Agenda item 2

**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.

[3 February 2023]

---

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



## **Myanmar: Two Years Since The Coup - Lack Of Decisive Actions From The International Community Letting The Tatmadaw Continue Atrocities With Impunity**

### **Deteriorating crisis**

Two years have passed since the Myanmar military, the Tatmadaw, staged a coup on 1 February 2021, illegally ousting the democratically-elected civilian government, and the situation in the country has been deteriorating in every aspect. Mounting evidence shows that the Tatmadaw has been committing gross violations of human rights, crimes against humanity and war crimes. However, due to the lack of decisive action, the international community is still letting them enjoy almost a total impunity, while certain countries and companies continue trading with the Myanmar military and its affiliates, providing it with revenues and resources.

In these two years, the Tatmadaw has killed at least 2900 individuals, arbitrarily detained more than 16,000, displaced 1.2 million and forced 70,000 to flee the country. As the Tatmadaw has thrown the country into a multidimensional political, economic and humanitarian crisis, the real number of victims and suffering of the people on the ground are much worse than these numbers can possibly represent. In blatant disregard of the lives of the people of Myanmar, the Tatmadaw has been intentionally and systematically targeting civilians through “targeted and indiscriminate artillery barrages and air strikes, extrajudicial executions, the use of torture, and the burning of whole villages” as the UN High Commissioner said in his press release of 27 January 2023.

As far as we could monitor and record with our partners between October and December 2022, 191 civilians, among which 24 children, were killed by the junta forces mainly through indiscriminate shootings, heavy artillery strikes on villages, and deaths in detention. In one case in Sagaing Region, children who were hiding were indiscriminately shot at by the junta soldiers. Most cases of extrajudicial killing of civilians by the junta soldiers were reported in Kachin (74 cases), followed by Sagaing (43), Rakhine (23), Mandalay (11), Magway (9), and Bago (8), while smaller number cases were also recorded in other States and Regions: 5 in Tanintharyi; 4 in Chin and Kayah; 3 in Kayin and Mon; 2 in Shan; and 1 in Yangon and Naypyitaw. Numerous villages became targets of heavy artillery attacks, instantly killing civilians including children sleeping in their houses and the elderly who cannot move around. Within the scope of our monitoring, at least 5000 houses were burnt down by the junta attacks, mostly in Sagaing and Magway, and at least 135,000 people were displaced in different States and Regions of Myanmar.

Considering these atrocities committed by the Tatmadaw, and its flagrant disregard for the rule of law, it is much more alarming that several companies from different countries are still supplying raw materials, components, machinery and technology to the Tatmadaw for arms production, or brokering such deals, as found in the report of the Special Advisory Council for Myanmar. Similarly, it is extremely concerning that the Tatmadaw junta appears to be invited to the ASEAN Defence Ministers Meeting - Plus Experts' Working Group on Maritime Security (ADMM-Plus EWG on MS) to be held in February 2023 in Bangkok, Thailand.

### **Collapsing justice system**

As repeatedly pointed out in our statements to the Council, the Tatmadaw has turned the entire justice system in the country into its extended arm to persecute opponents. As mentioned above, more than sixteen thousand people have been arbitrarily arrested and imprisoned for exercising their fundamental human rights protected by international law, and more than a hundred of them sentenced to death. They are tortured in detention, tried in military courts, convicted in closed sham trials without any due process, and “face specious charges” as pointed out by the High Commissioner in this press release of 26 January 2023.

Death sentences continue to be handed down. In almost all cases we could monitor up to December 2022, defendants are denied their basic rights to fair trials and access to lawyers as protected by the domestic law such as the Criminal Procedure Code and the Evidence Law as well as the international human rights law, in particular the International Covenant on Civil and Political Rights (ICCPR). Trials are conducted in summary proceedings. Judges convict defendants through pro forma processes in complete disregard for, or lack of, actual evidence and often forcing lawyers to abandon their legal representation merely for the purpose of speeding up the trial process. Defending lawyers are also under threat of reprisals, in several cases, also tried and sentenced with jail terms. Conditions of detention completely lack the standard as safeguarded in the ICCPR article 10. As the entire justice system, especially the law enforcement and the judiciary, is turned into a tool by the Tatmadaw to persecute opponents, their actual functions are being abandoned and the lawlessness in the society is increasing.

## **Discussions and actions of the HRC so far**

After its 29th Special Session, the Council has been conducting targeted discussions on Myanmar at each of its regular sessions through relevant Interactive Dialogues and Panel Discussions. The Centre has conducted a research and analysis of the statements presented by States on these occasions, which gave us unique data and findings that should be taken into account by all stakeholders in particular by the Council. As highlighted in the research outputs presented on our website, condemnations and concerns are expressed by a number of countries from different regions of the world. However, it is also regrettable that there are countries, especially in Africa, Central Asia, Central and Latin America as well as the Pacific, that remain completely silent. Moreover, despite mounting evidences of the Tatmadaw's atrocity and gross violation of international human rights and humanitarian law, it is highly alarming that certain countries appear to be defending and in some cases even legitimising the Tatmadaw and opposing effective international intervention, typically by twisting concepts of self-determination and sovereignty, insisting that the matter is internal affairs of Myanmar and is politicised by the international community, or by undermining the credibility of the UN and its mechanisms. There is also an obvious disparity among States that are joining the discussion especially in terms of their main focus, issues raised and actions called for. It is also noteworthy that many countries expressed support for the ASEAN's Five Point Consensus and called on the Tatmadaw to implement them, while little was said towards ASEAN to strengthen its actions. One tendency that could be found in general was that most of the countries appear to be lumping up different groups together such as "women and children" or "Rohingyas and other ethnic minorities", even when clear distinction and differentiation are required to address different situations and needs of these groups.

## **Conclusions and recommendations**

In order to stop the atrocities of the Tatmadaw, hold them accountable for the gross violations of human rights, and save the people of Myanmar from the multi-dimensional catastrophe, stronger, targeted and decisive actions are required from the international community, including UN bodies and ASEAN. Coordination among States and all relevant stakeholders in this regard must be significantly strengthened. Countries who so far remained silent have to be encouraged to speak up as their silence is not neutral but indifference, and their inaction is allowing the Tatmadaw to continue its atrocity with impunity. Global arms embargo must be realised as soon as possible, including the trades of raw materials, components, machinery and technology. Corporate responsibility needs to be more clearly and strongly addressed concerning private actors, companies including State owned ones, who are directly or indirectly supplying the Tatmadaw with revenue and resources. Cooperation among UN bodies, especially among Special Procedures and Treaty Bodies can be strengthened and utilised. Concrete possibilities should be sought and worked upon to utilise the vast amount of information collected by the Independent Investigative Mechanism for Myanmar (IIMM). No recognition or legitimacy must be given to the Tatmadaw i.e. the so-called State Administrative Council (SAC) as the "government of Myanmar", nor to the "election" that the SAC might organise. It is the Tatmadaw who threw out the democratically elected

government, who are committing gross violations of international human rights and humanitarian law, and who are showing blatant disregard for the rule of law or lives of the people of Myanmar. As the Special Rapporteur on Myanmar states in his report, “the SAC’s military coup was illegal and its claim as Myanmar’s government is illegitimate.” At the same time, efforts should be made to prevent violations of international human rights and humanitarian law by any party involved. In this context, the declaration of the National Unity Government of Myanmar expressing its readiness to ratify the ICCPR and the Convention against Torture (CAT), but their capacity and initiatives need to be strengthened and assisted, together with any other bodies working for the peace, democracy, the rule of law and human rights in Myanmar in order to make them a reality for the people on the ground.

---