Republic of the Union of Myanmar
National Unity Government
Ministry of Human Rights

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ITEM 4 – Situation of human rights in Myanmar

Statement on the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Myanmar since 1 February 2021

MYANMAR

21 March 2022

The Republic of the Union of Myanmar welcomes the report of the United Nations (UN) High Commissioner for Human Rights on the situation of human rights in Myanmar since 1 February 2021.[1]

Myanmar restates its commitment to partnership and close cooperation with the Office of the High Commissioner for Human Rights (OHCHR) and its Myanmar Team.

Myanmar also accepts without question its obligations under international law and is committed to securing justice and accountability. It therefore welcomes the High Commissioner's recognition of the National Unity Government's filing of a declaration under Article 12(3) of the Rome Statute of the International Criminal Court, and its engagement with the International Court of Justice in the proceedings initiated by The Gambia under the Genocide Convention.

The High Commissioner's report catalogues 'egregious violations' and military junta violence 'on a massive scale', including acts:

> that may amount to crimes against humanity... in particular, murder, forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture, persecution against any identifiable group or collectively on political grounds, enforced disappearances, and other inhumane acts... When linked to an armed conflict, some of these acts may also amount to war crimes.[2]

Consistent with preliminary analysis reported by the Independent Investigative Mechanism for Myanmar (IIIM),[3] the High Commissioner concludes that:

> there are reasonable grounds to believe that acts by the Tatmadaw were carried out in the context of a widespread and systematic attack directed against civilian populations, and in apparent pursuance of an organisational policy.[4]

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[1] A/HRC/49/72.
[2] At para. 65.
[3] A/HRC/48/18.
[4] At para. 65.

Significantly, the High Commissioner, the IIMM and the Special Rapporteur on the situation of human rights in Myanmar[5] have all concluded that the military junta has carried out probable international crimes of the highest order.

And yet, as the High Commissioner goes on to concede, 'international efforts to encourage a lessening of violence and de-escalation of rhetoric and provocation have fallen on deaf ears'. Myanmar remains caught in a 'downward spiral of violence, characterized by increasingly brutal repression' and '[a]ctions taken by the international community in response to the situation in Myanmar have remained limited in scope and impact on the ground'.

The international community has abandoned the people of Myanmar. Confronting a foreign-armed and funded military junta that, to the High Commissioner, has induced 'a human rights catastrophe and humanitarian emergency', the people have resorted to self-reliance and self-defence.

The High Commissioner rightly observes that 'the will of the people has clearly not been broken. They remain committed to see a return to democracy and to institutions that reflect their will and aspirations.' The junta has not seized power nor has it achieved military or martial rule. Frustrated by its failed coup d'état, its escalating atrocities are the desperate acts of war criminals.

Myanmar supports the High Commissioner's recommendations, including her calls for:

- **the immediate release of all prisoners detained, prosecuted and/or sentenced in relation to acts of political expression, free association, and rights to protest and free assembly**
- **full cooperation with the Special Envoys of the Secretary-General and ASEAN Chair**
- **full cooperation with international accountability mechanisms.**

Myanmar also supports the High Commissioner's calls on UN Member States to:

- **extend protection for all individuals crossing international borders, including members of the Rohingya population, provide immediate humanitarian assistance and ensure any returns movements are conducted in a dignified and voluntary manner**
- **support the referral of the situation in Myanmar to the International Criminal Court**
- **take immediate action to prevent the supply of arms to the Myanmar military and apply targeted sanctions on military economic interests as appropriate.**

Finally, the Republic of the Union of Myanmar calls on the UN and its Member States to:

- **ensure that UN humanitarian assistance in Myanmar is delivered through the National Unity Government, Ethnic Organisations, international and local non-governmental organisations, and civil society and community-based organisations**
- **establish an independent and wide-ranging inquiry led by international experts into the UN's progress in its implementation of follow-up actions to the Rosenthal Report, with an added focus on the UN's response since 1 February 2021. The inquiry should produce and deliver to the Human Rights Council a comprehensive public report with findings and recommendations**
- **act on the Special Rapporteur on Myanmar's call[6] for the National Unity Government to be recognised as representing the sovereign will of the people of Myanmar and as a trusted source and partner to engage in the distribution of humanitarian, health, education and other support for the people of Myanmar.**

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[5] A/HRC/49/76 and A/HRC/49/CRP.1.

[6] A/HRC/49/76 at 94(c).