



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



HRC52: Snapshot on the human rights situation in Myanmar

(27 February 2023)

1. Introduction

The Ministry of Human Rights of the National Unity Government has prepared this snapshot of the human rights situation in Myanmar as a resource for delegations in advance of HRC52.

2. Human rights situation on the ground

The people of Myanmar have shown remarkable unity and resolve in defending their democracy, rights, and freedoms and in protecting their communities against mounting atrocities by the illegal military junta. The National Unity Government, consistent with its democratic mandate, continues to lead from inside Myanmar. The National Unity Government and its ethnic partners also exercise significant and growing territorial control and are providing essential public services and humanitarian assistance.

The people's rights-based revolution has, however, come with appalling costs. The illegal military junta's failed power grab has plunged Myanmar into spiraling human rights and humanitarian crises. According to High Commissioner for Human Rights Volker Türk, over the past two years "by nearly every feasible measurement, and in every area of human rights – economic, social and cultural, as much as civil and political – Myanmar has profoundly regressed."¹

In February 2023, the junta murdered over 3,000 civilian children, women, and men. Some it shot dead during peaceful protests. Others it bombarded with war-zone artillery, targeted with jets, or burned to death. In July 2022, the junta executed four pro-democracy activists including a former parliamentarian under the façade of legal process, revealing the scale of its contempt for the rule of law and international norms. Its reach for the death penalty provoked shock from High Commissioner Türk, who issued a statement in December condemning the junta's sentencing of more than 130 people to death, including at least seven university students, in sham military courts.²

Almost 16,000 civilians remain arbitrarily detained and subject to torture and sexual violence. And close to 1.3 million people have been driven from their homes, many pushed into neighbouring countries. These new homeless have been added to the hundreds of thousands of Myanmar nationals – particularly the Rohingya – already forcibly displaced by earlier waves of military atrocities. The junta also continues to block people's access to food, aid, medicine, and vaccines as a tactic of war.

3. Emblematic incidents

Myanmar is a party to the four Geneva Conventions of 1949 and a number of international human rights treaties.³ All parties in Myanmar are also bound by relevant rules of customary international law that apply to non-international armed conflicts. Consistent with its obligations, the National Unity Government has issued an Article 12(3) declaration under the Rome Statute granting the International

¹ See <https://www.ohchr.org/en/press-releases/2023/01/two-years-after-coup-myanmar-faces-unimaginable-regression-says-un-human>.

² See <https://www.ohchr.org/en/press-releases/2022/12/myanmar-un-human-rights-chief-alarmed-death-sentences-sective-military>.

³ CESCR, CEDAW, CRC, CRC-OP-AC, CRC-OP-SC, CRPD.

Criminal Court countrywide jurisdiction dating back to 2002. For its part, the junta has increased the frequency and severity of its attacks against civilians, particularly its aerial assaults.

Last October, the Special Rapporteur on Myanmar, Thomas H. Andrews, reported to the General Assembly that junta forces had 'systematically bombed and burned villages and massacred innocent civilians.' This widespread and systematic pattern of deliberate attacks, which includes the targeting of schools and civilian gatherings, likely comprises war crimes and crimes against humanity in addition to grave human rights violations.

The Ministry of Human Rights has documented the following emblematic incidents since HRC51 in September 2022.

On 8 October 2022, near Phayar Lay Kone and Ngar Pan Chaung villages in Wot Lot Township, Sagaing Region,⁴ two junta fighter jets and two Mi-35 helicopters attacked a People's Defence Force (PDF) training school. The attack reportedly lasted for around 30 minutes. Following the incident, one of the helicopters attacked a primary school in Phayar Lay Kone village. Junta ground troops also entered the area, near Phayar Lay Kone and Ngar Pan Chaung villages, where they murdered two civilian men.

On 24 October 2022, the junta conducted an airstrike on an outdoor concert in the village of A Nang Pa in Hpakant Township of Kachin State, killing at least 80 people including singers, musicians, and other artists on and near the main stage.⁵ There were no combatants or legitimate military targets in the vicinity of the concert.

Attacks by Light Infantry Battalions (LIB) 361, 368, and 369 in Sagaing Region also intensified to new peaks between November 2022 and January 2023. On 9 January 2023, a joint operation comprising junta troops and "Pyu Saw Htee" members (pro-junta proxy militias) raided Taepin and Shangon villages and detained and killed three local men. The charred bodies of these three villagers were discovered on 10 and 11 January.

Since October 2022, the situation in Sagaing Region and Kachin States has become alarming due to the increased and repeated pattern of directly attacking villagers in operations including the sequence of aerial attacks, shelling, deploying troops on the ground, and opening the path for light infantry operations.⁶

In late January and early February 2023, junta troops launched arson attacks against 14 villages in Sagaing Region, destroying thousands of civilian homes and structures and displacing an estimated 10,000 people.⁷ These attacks form part of a larger pattern of the deliberate destruction of homes, critical infrastructure, and the natural environment to force large-scale displacement, and as such constitutes yet another example of continuing widespread, systematic, and methodological violence against civilians intensified over the past year.

The above incidents, which represent a small sample, each involved the direction of deliberate targeted attacks against civilians and civilian objects. In addition to the killing and maiming of civilians, junta attacks continue to see the intentional destruction of protected objects and property including schools, healthcare facilities, places of worship, homes, livestock, and crops.

Junta attacks are also properly viewed as acts of collective punishment and as part of a systematic strategy to inflict terror upon the civilian population. As then Acting High Commissioner Nada Al-Nashif said in her HRC51 update, "the Myanmar military's offensives throughout the country are

⁴ MoHR Report – Air attack on the Local PDF Training School near Ngor Pon Choung village, Wot Lot Township, Sagaing Region.

⁵ See <https://www.nytimes.com/2022/10/25/world/asia/myanmar-coup-concert-killed.html>.

⁶ MOHR, Rain of terror - Junta aerial attacks on civilians in Myanmar, Report, 24 November 2022.

⁷ See <https://www.irrawaddy.com/news/burma/thousands-of-sagaing-homes-lost-in-myanmar-junta-arson-attacks.html>; and <https://www.rfa.org/english/news/myanmar/sagaing-scorched-earth-01252023042929.html>.

designed not only to target its opponents but also to punish any communities it deems to be supporting them.”⁸

Furthermore, the junta’s aerial attacks have seen its aircraft compromise the airspace of Myanmar’s neighbours during sorties against civilians, threatening the peace and security of the broader region.

4. Momentum at the UN

At HRC51, then Acting High Commissioner Al-Nashif described the situation in Myanmar as a “rapid downward spiral, with growing suffering, fear, and insecurity”, and called for “urgent action... to reverse this catastrophic situation”.⁹ At that same session, addressing the junta’s economic interests, the Acting High Commissioner reported that the junta “continued its exploitation of the country’s resources to advance its own interests and fuel a campaign of violence and repression against Myanmar’s people.”¹⁰

HRC52 is a crucial opportunity for a strengthened address of the situation in Myanmar. In a groundswell of activity, recent months have seen ASEAN Leaders issue a call for United Nations (UN) and international support, which in turn empowered the Security Council to adopt its first-ever resolution on Myanmar (2669) in December. Significantly, the resolution confirmed the Council’s support for the will of the Myanmar people, demanded an immediate end to the junta’s violence, stressed the need for full, safe, and unimpeded humanitarian access to all people in need, and repeated calls for the release of all arbitrarily detained persons. The Human Rights Council must seize on this momentum.

5. Recommendations

The National Unity Government offers the following recommendations in advance of HRC52.

To the Human Rights Council:

- **Process the request of the Permanent Representative of Myanmar to the United Nations in New York to represent Myanmar at the Council, along with other appointed members of his delegation. This is consistent with the General Assembly’s rules and the Permanent Representative’s rights and privileges. Crucially, it will also restore the voice of the Myanmar people at the Council**
- **Adopt a stronger resolution on the human rights situation in Myanmar that expresses support for the National Unity Government and its ethnic partners, condemns junta atrocities, calls for sanctions and arms import bans on the junta, prioritises the delivery of humanitarian assistance, advances accountability, and blocks any junta attempts to hold sham elections**
- **Push the Security Council to keep Myanmar on its agenda and to leverage the threat of Chapter VII measures against the junta**
- **Encourage the International Criminal Court to expand its current investigation into the situation in Bangladesh/Myanmar to cover all Myanmar territory, in line with the National Unity Government’s Article 12(3) Declaration under the Rome Statute**
- **Support the IIMM’s efforts to secure prosecutions, including by encouraging direct cooperation by States under the exercise of universal jurisdiction**
- **Support the United Nations Country Team in Myanmar to implement the recommendations set out in the Rosenthal Report and monitor its progress, including by requesting continued reporting on its implementation efforts**

⁸ See ‘Oral update on the human rights situation in Myanmar to the Human Rights Council, Opening statement by Nada Al- Nashif, UN Acting High Commissioner for Human Rights’, 26 September 2022.

⁹ Ibid.

¹⁰ See ‘Interactive dialogue on the report of OHCHR on the progress made and remaining challenges with regard to the recommendations of the independent international fact-finding mission on Myanmar in its conference room paper on the economic interests of the military - Opening statement by Nada Al- Nashif, UN Acting High Commissioner for Human Rights’, 22 September 2022.

- **Act on the recommendations of the Special Rapporteur on Myanmar**
- **Expand the resources available to OHCHR's Myanmar Team to make them commensurate to the scale of the Team's mandate and reporting obligations.**

To the UN Member States:

- **Take individual and collective action to immediately end the direct or indirect supply, sale, transfer, or diversion of arms, munitions, and other military equipment and related materials of all types, dual-purpose technology, and aviation fuel to the junta, as well as technical training, financial resources or services, advice, or other services or assistance related to such arms and related materials to the junta. UN Member States should also strip the junta of cash revenues through strengthened economic measures against its business enterprises including its oil and gas interests**
- **Work with the National Unity Government, its ethnic and civil society partners, Myanmar's neighbours, and the ASEAN AHA Centre to secure the cross-border delivery of urgently needed food, aid, and medicine**
- **Formally recognize the National Unity Government as the legitimate representative of Myanmar and its people based on the results of the 2020 general election, and block any junta attempts to hold sham elections**
- **Use national courts to prosecute junta members under the exercise of universal jurisdiction**
- **Support ASEAN to reframe the Five Point Consensus to better reflect the realities on the ground in Myanmar, to advance the democratic will of the Myanmar people, to approve the cross-border delivery of urgently needed aid including through established ethnic and civil society networks and chains, and to protect Myanmar asylum-seekers and refugees in ASEAN countries at all times and respect non-refoulement**
- **Ban all junta members and representatives from attending or participating in UN meetings, conferences, and other events.**

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