

Written evidence submitted by NUG Campaign UK (MYA0036)

[Note: This evidence has been redacted by the Committee. “***” represents redacted content.]

Summary

Under curfew and internet blackout, the Myanmar State Council (SAC) is terrorising Myanmar’s citizens, committing untold atrocities, gross violations of human rights, and crimes against humanity. This submission highlights some of the many violations since the coup on 1 Feb 2021 and provides recommendations for the UK to help stop these atrocities and support Myanmar back on the road to democracy.

Who We Are

1. NUG Campaign UK is an inclusive group of Myanmar expatriates in the UK that support of the National Unity Government of Myanmar (NUG) through advocacy and fundraising. The group includes various communities: Arakan, Chin, Karen, Mon, Myanmar, Myanmar Gurkha, Rohingya, Shan, Zomi, Burmese Muslim Association, Former political prisoners, Myanmar Student Union UK, and Myanmar Generation Z. We are united in our support of the NUG’s aim of restoring democracy.

Current situation

2. Myanmar is at a crossroads. It can become a beacon of true democracy in south-east Asia or a country mired in civil war and humanitarian disaster. We are optimistic, however, that the junta can be overcome. The people are uniting against the manifestly unconstitutional military coup.

3. Experts briefing the UN Security Council have established the SAC is illegitimate and advised states to not recognise it as a legitimate government or give it support.¹ A hundred days since the coup, the entire government machinery is paralysed due to the civil disobedience movement (CDM). According to New York Times data,² up to 90 percent of national government activity has ceased. Judged either by “legitimacy doctrine” or “effective control doctrine”, the junta would miserably fail to be recognised as a government.³
4. SAC troops themselves are increasingly discontent at the coup. They are poorly paid and suffer under the army hierarchical system in Tatmadaw, so rigid it is akin to modern slavery for foot soldiers. These troops are facing additional hardship and war fatalities.
5. The people of Myanmar are resolute in refusing to be governed by fear. Within days of the coup, the CDM erupted, leading to mass walkouts of state and private sector workers. Myanmar’s people are showing their steadfast determination not to be governed by the illegitimate and terrorist military junta.
6. The National Unity Government (NUG) has emerged as a stabilising opposing force. It is formed of parliamentarians elected in 2020, members of the ethnic groups, and key figures in the anti-coup movement. It represents the people’s mandate and will, and is daily growing stronger. The NUG enjoys outpourings of goodwill from Myanmar’s people, a wide range of ethnic organisations, CDM groups, and other prominent civilian leaders. NUG support groups like ours have appeared across the world. The NUG’s legitimacy is not in doubt, and the

¹ UN (2021) *Arria formula meeting on Myanmar*, The UN Security Council: UN Web TV.

² Beech, Hannah (2021) “Myanmar Protesters Answer Military’s Bullets With an Economic Shutdown”, 21 March 2021: The New York Times.

³ Schuit, A (2012) “Recognition of Governments in International Law and the Recent Conflict in Libya”, Volume 14: Issue 4 edn., : International Community Law Review.

“legitimacy doctrine” would dictate it should be recognised as Myanmar’s legitimate government.

Atrocities

7. At the time of writing, at least 730 have been killed including women and children as young as eight as a result of SAC attacks on peaceful demonstrators. Over 5,000 have been arbitrarily detained, some as young as 12. Those detained face abuse, torture, and possible death in custody. Below are just some samples of SAC atrocities.

8. Save the Children’s report (1/4/21)⁴ says at least 43 children have been killed by armed forces since the coup, and this number is growing. We submit a link to a short video clip, we believe unpublished, of SAC soldiers chasing and shooting a child in the town of Kalay on 7/4/21. In this video, a child, roughly 14, is chased by a group of soldiers and shot at. The child jumps over a fence to get away. Other soldiers just below the camera view then fire shots. Both groups of soldiers continue to pursue and shoot at the child as the clip ends. We were told the child miraculously survived and escaped.⁵

9. We include the statement of a doctor who witnessed the results of an atrocity by SAC security forces on 14th March 2021 in [***] township: “By 7:30pm, the township’s main hospital had received 10 dead bodies and 20 injured patients. As of 11pm, there were 18 confirmed deaths and dozens of injuries reported by rescue teams and doctors treating victims of the brutal assault on unarmed civilians. A lot of wounded could not get to the hospital because of fear of being arrested by the security forces. I want to request the international community, especially to the Ambassador, diplomats, and other foreign officials to help us. It is

⁴ Rose, Charlotte et al (2021) *Myanmar: 43 children killed by armed forces in just two months since the coup began*, 1 April 2021 - Myanmar edn., : Save the Children.

⁵ <https://youtu.be/vxhkukVpp0>

exceptionally heart-breaking that we are not able to help as much as we want to. We feel helpless. Our people inside the country have been desperately asking us to help them even if it's just to find and secure safe places to carry out emergency medical treatment". Appendix 1 contains photos of four victims killed by gunshot wounds seen by the doctor.

10. We link to a video clip of a doctor speaking to BBC Burmese Service about the situation on the ground on 14/4/21. His team of doctors and medics with ambulances were alerted by local [***] hospital that urgent medical support and help was needed. They were prevented by the military from crossing the bridge between [***] township and [***] to respond. They had to wait one night and one day at the gate attempting to give assistance over the phone. Eventually given access, they had to find injured victims in hiding to give treatment and sometimes had to move the injured because the military were looking for them.⁶
11. We link to a shop's CCTV footage of a local charity ambulance giving medical aid to the protesters who were injured. In the video, police tell medical workers to get out of the ambulance and force them to crouch face-down on the ground. Medics were then hit by rifle butts and kicked in the face.⁷

Sexual assaults and torture during detention

12. [***] was arrested in [***] on [***], accused of a series of bombings. After arrest, she was sexually assaulted and tortured by the junta forces at a [***] interrogation centre. Still under arrest, she is not getting access to medical treatment for her injuries. Appendix 2 contains photos of [***] before and after abduction.

⁶ <https://youtu.be/AMna8cRkDZM>

⁷ <https://youtu.be/rDqNiEa2nHc>

13. [***], [***], was arrested together with her mother returning from a protest on [***] in [***]. She faced six days of fear and anxiety, held with women who alleged torture and abuse by police behind closed doors. She was released [***]. To secure her release she had to sign documents saying she suffered “no torture” behind bars. [***] said, “It’s the opposite of what they have done. It is totally unacceptable and unfair. I was touched by a police officer, who told me he could kill me and make me disappear”. During the arrest she and her mother were taken to a detention centre on [***] where they met other women, some of whom had bruises all over their bodies. She recalled one woman was beaten so badly she could barely eat or drink and could not urinate after her genitalia were kicked during interrogation. [***]’s mother remains in [***] prison.
14. In a similar case, [***] was arrested together with four other women during protests in [***] township. “I was kicked in my face for having a black mask in my bag,” she said. “They also threatened us, saying they could kill us and make us disappear without anyone knowing it”.⁸
15. [***] was arrested in [***] on [***] and remains under arrest. Soldiers shot him at close range in both of his hands leading to amputation of his right hand and broken hand to his left. He lost one eye and has not yet had an operation. His left leg was hit by eight rubber bullets and may yet have to be amputated. He also has bullet wounds in his right leg. [Appendix 3](#) contains photos of [***] before and after arrest.

⁸ Asia Times Contributor (2021) “Myanmar teen tells how the junta treats women”, 14 May 2021: Asia Times.

Recommendations for the UK government

16. We urge the UK government to recognise the legitimacy of elected representatives in the form of NUG and to oppose any attempt to recognise or give legitimacy or support to the military junta.
17. We firmly believe that there are measures by which the international community can effectively influence the behaviour of the Myanmar military junta. As an ASEAN Dialogue Partner and the UN Security Council Penholder, the UK government is very well placed to initiate and support these.
18. The people of Myanmar can only move forward if the military is held accountable and comes under civilian control. As the UN Security Council Penholder, we urge the UK to lead by example in recognising the NUG and arranging multilateral talks between NUG representatives and UN Security Council members.
19. We urge the UK to help lead a process towards a UN Security Council resolution that would include a no-fly zone and targeted sanctions to block military profits. We draw the UK's attention to the UN's Responsibility to Protect principle that justifies intervention given the SAC is committing widespread crimes against humanity on its own people.
20. We ask the UK pushes for Security Council meetings about Myanmar to be held in public as these are currently behind closed doors.
21. We urge the UK to support the provision of flexible cross-border support that bypasses the SAC to help those attempting to flee the military and to help aid reach those in need.

22. We also urge the UK to support accountability processes for the violence associated with the coup and the Rohingya crisis.

Recommendations in ASEAN Dialogue Partner role

23. As an ASEAN Dialogue Partner, the UK is in a position to influence ASEAN, which is key regional institution and has strong influence on Myanmar.
24. We would ask that the UK attempts to influence ASEAN against engagement with the SAC. On 24/4/21, ASEAN conducted a special summit on the Myanmar Crisis, inviting Min Aung Hlaing, SAC commander. On returning from the summit, the military news ran the story of “ASEAN’s support” for the regime. This emboldened and intensified the junta’s violence against Myanmar’s people.⁹
25. We draw attention to The International Independent Fact-Finding Mission for Myanmar, chaired by Marzuki Darusman who served as Indonesia’s attorney general, whose comprehensive report on 2011-2018 highlighted that six senior military leaders including Min Aung Hlaing are allegedly responsible for the commission of heinous crimes.¹⁰
26. We ask that the UK brings its influence regarding ASEAN’s “five-point consensus” touted as Solution to the Myanmar Crisis. Unfortunately, these points concede legitimacy to the SAC and, the limited protections for Myanmar’s people they contain are inadequate or will not be observed.

⁹ Pitsuwan, F. and Hlaing, K.S. (2021) *Democratic states should recognize Myanmar's National Unity Government*, <https://asia.nikkei.com>: Nikkei Asia.

¹⁰ Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar, https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_CRP.2.pdf

27. The first point of the consensus calls for an immediate cessation of violence and for all parties shall exercise utmost restraint. There is, however, only one party – the military – inflicting violence.
28. We note, for example, Paragraph (8) of Chairman’s Statement on the ASEAN Leaders’ Meeting calls for the release of all political prisoners including foreigners which is given with no timeframe or consequences for not being followed.¹¹ Hence, it is highly unlikely the military council will comply with these recommendations. Rather, this is being used to let the SAC buy time to repress pro-democracy protests.
29. We call on the UK to gain the support of the Royal Thai government to allow sanctuary and humanitarian assistance to our displaced people. Tatmadaw is attacking ethnic areas, and fighter jets have been bombing villages. People have no choice but to run away – many to neighbouring Thailand. Unfortunately, Thai authorities have arrested many of those fleeing who are to be deported.¹²
30. We urge the UK to influence ASEAN countries – and Singapore, Malaysia and Thailand in particular – to stop facilitating SAC financial and economic activities. In particular we note that current US and UK economic sanctions have only been partly effective because the main two entities linked to the coup leaders – Myanmar Economic Holdings Public Company Limited (MEHL) and Myanmar Economic Corporation Limited (MEC) – are still largely doing their business through the financial systems of ASEAN nations.

¹¹ Chairman’s Statement on the ASEAN Leaders’ Meeting <https://asean.org/storage/Chairmans-Statement-on-ALM-Five-Point-Consensus-24-April-2021-FINAL-a-1.pdf>

¹² Lovelock, J (2021) “No hiding place: Myanmar refugees face arrest in Thailand”, <https://www.ucanews.com/news>: UCA News.

31. We draw attention to the UNHCR commissioned independent Fact-Finding Mission following Tatmadaw's crimes against humanity in Rakhine state. Its report detailed the Tatmadaw's economic interests, and MEC and MEHL's in particular. In this report, Singapore and Thailand's banks featured prominently in the Tatmadaw's money trail.¹³

¹³ (2019) *The economic interests of the Myanmar military*, Agenda item 4 edn., Human Rights Council Forty-second session: Independent International Fact-Finding Mission on Myanmar.

Appendix 1: Photos of four victims killed by gunshot wounds seen by the doctor.

[***]

Photo: [***], [***], an engineer from [***] and father of a seven year old, killed instantly by gunshot wound in the head, [***] pm.

[***]

Photo: [***], [***], father of a five year old, pronounced dead [***] pm of a gunshot wound to the chest.

[***]

Photo: [***], [***], innocent civilian and father of two children, killed by gunshot wounds to his head and thigh.

[***]

Photo: [***], [***], father of one-year-old child, killed as he was trying to save another victim, [***] pm.

Appendix 2

[***] [***]

Photos: [***] before and after abduction.

Appendix 3

[***] [***]

Photos: [***] before and after arrest.

18 May 2021