

**Written evidence from the Ministry of Human Rights of the National Unity
Government of Myanmar (MYA044)**

This submission is made by **the Ministry of Human Rights (MoHR)**, the National Unity Government of Myanmar. This submission can be published by your Committee and shared with any other UK parliamentary or international inquiry. Our aims are to inform the UK Parliament about the ongoing Myanmar crisis in this evidence and, in the longer-term, to bring an end to the military dictatorship and build a genuine federal democratic union of Myanmar.

1. Introduction

- 1.1. We would like to express our gratitude to the UK for your leadership on the international stage in response to the coup. We also thank the Foreign Affairs Committee for holding this inquiry.
- 1.2. This submission is from the Ministry of Human Rights of the National Unity Government of Myanmar. We believe that the solution to the crisis and the goal of bringing about genuine democratic transition in Myanmar needs a comprehensive plan. The steer and direction for this approach has to come from the ground. But it also needs international leadership, political will and co-ordinated action to address the root causes of the crisis.
- 1.3. We are grateful for the clear international messages of support for our struggle. And important action has been taken by the UK already in targeted sanctions against the military. For decades, the UK has provided large amounts of aid to support a democratic transition, economic development and the rule of law in Myanmar. This investment will be wasted if there is not strong international leadership now. A prolonged struggle will only further devastate the important gains made in the past ten years.
- 1.4. We are the first Ministry of Human Rights in Myanmar's history with the purpose of ensuring all ministries under the National Unity Government of Myanmar follow international standards of human rights in their policies, planning and actions. We are committed to equal rights for all Myanmar people, regardless of ethnicity, religion, gender, age, sexual orientation or geographic location.
- 1.5. Our National Unity Government will release our statement on Rohingya crisis soon, pledging the emergence of new Citizenship Law that follows international standards and safe, voluntary and dignified return of Rohingya refugees. In that statement, we stress that NUG will not accept any form of discrimination. We are committed to bringing justice for grave human rights violations and atrocities they have suffered.

2. The situation in Myanmar

- 2.1. The situation in Myanmar today is a crisis created by the military. By 23 May, it was confirmed that 818 civilians have been killed by SAC forces. The true number is likely to be much higher. Over 4,000 people remain under arrest, and nearly 2,000 others have arrest warrants made against them, and are in hiding. 23 students were sentenced to death in absentia.
- 2.2. Over 50,000 people are internally displaced, seeking shelter in ethnic areas controlled by ethnic revolutionary armed organizations. Over 1,000 soldiers have defected, and these soldiers are also being sheltered by ethnic armed groups. More than 100,000

teachers and University lecturers have been sacked from their jobs, because of their opposition to the coup, along with an equal number of medical staff.

- 2.3. And yet, more than 120 days since the coup, there are still daily peaceful protests in cities, towns and villages all over Myanmar. The internet blackout and arrests of over 80 media and citizen journalists means that these are often not reported, but they are taking place every single day. We are not stopping, and will not give up.
- 2.4. We have struggled against military rule in Myanmar ever since independence from the UK. The military has sought to divide the people against each other in order to maintain their position. The 'transition' under the 2008 Constitution has already proved to be unsuccessful, and we do not want to return to those days. The accommodation of the military in the political transition did not work; the military want a return to absolute power. This time we are united in opposition to them, and want a new, inclusive federal Myanmar.
- 2.5. Governance structures have been set up through the Committee Representing Pyidaungsu Hluttaw (CRPH) formed with Members of Parliament elected through the 2020 General Election, as recognized by local and international observers as free and fair, and now the NUG as a credible alternative to military rule. We are also forming the National Unity Consultative Council to envisage a federal inclusive democratic future of the country among democratic forces in Myanmar. We have already abolished the 2008 Constitution and agreed a Charter for a federal democratic state.

3. Human rights violations of SAC

- 3.1. Since the coup, the SAC has arbitrarily amended a number of laws to oppress the peaceful protesters and civil servants participating in the Civil Disobedience Movement (CDM). This includes the suspension of sections of the Law Protecting the Privacy and Security of Citizens, allowing them to conduct warrantless surveillance, search and seizure; and then arbitrary arrests. Amendments to the Penal Code allowed them to charge civil servants and civilians joining and supporting CDM. At least 782 detainees were confirmed to be charged with the amended sections and not less than 1515 warrants under the amended section of 505(a) have been issued for civil servants, civil society members, artists and civilians. They tightened the enforcement by also amending the Code of Criminal Procedures to make the new offences non-bailable and subject to warrantless arrest. Yet another added layer of suppression could be seen in amendments to the Ward and Village-tract Administration Law, which reinstates the requirement to report overnight guests and the amendments to the Electronic Transactions Law that criminalizes the dissemination of information online.
- 3.2. Peaceful protesters, politicians, activists, civil society members, civil servants, artists and other civilians face serious torture in detention by the SAC. Not less than 35 civilians were tortured to death hours after arbitrary arrests as of 11 May. Of them, the SAC didn't even return the bodies of 23 civilians who died under interrogation to their families.
- 3.3. The struggle against the Tatmadaw will continue and intensify. In many cities and towns people have formed Defence Forces. We saw on May 15 what happened in Mindat, where a Defence Force had successfully gained control of the whole town (a small town on a mountain ridge in remote Chin State). Even in this remote place, the Tatmadaw made it a key objective to wipe out all opposition in the town. Over 1,000 army soldiers, backed up by helicopter gunships, invaded the town forcing 1,200

young people to flee to the forest. Seven were killed that day, and in the subsequent days after the water and electricity were cut off, and the army has spread their terror to nearby towns. The same is happening now in Karreni State where a Defence Force is gaining control of some towns and is facing the response of the SAC forces with artillery and gunships targeting at civilians taking refuge within local churches and in the forest.

- 3.4. Human rights violations by the SAC are evident in the amendments they made to the laws, the enforcement they arbitrarily conducted, the number of those arrested and killed in detention, the civilian casualties by the SAC artillery and air strikes, and the rising number of internally displaced persons. It is leading to a severe humanitarian crisis.
- 3.5. Addressing only the consequences of the crisis may alleviate the worse humanitarian impacts, but our legitimate demand for genuine democracy will not end. Prolonging this conflict will not help anyone. The risk of military escalation is evident on the ground, including a further regional spillover. It is in the UK's interests to avoid this.

4. Policy options for the UK and others to consider

We ask for:

- 4.1. **Political support.** It is important for the UK and its partners to keep our cause on the international agenda. The risk is that the focus will wane despite the continued suffering on the ground. This only benefits the military and its backers who expect the international focus to shift away from Myanmar. The UK's role as penholder at the UNSC and Human Rights Council are avenues for the UK to keep Myanmar on the diplomatic agenda.
- 4.2. **International coordination.** We know the UNSC and other forums are divided on how to respond to the crisis. All diplomatic avenues need to be tested. But just because action through the UNSC is blocked does not mean it is the only vehicle for action. Coordination can be achieved through ad-hoc and more flexible structures. The UK should lead on forming a Contact Group of like-minded states, including from the region, to create the conditions for a conducive political process.
- 4.3. **Accountability.** Accountability is another policy area where the UK can show leadership. There needs to be genuine accountability and justice for the crimes of the military, including for its unlawful detention and killing of many protesters. This predates the events of 1 February. At the international level, it is important to keep all options on the table and coordinate the various initiatives of the accountability track e.g., ICC referral, IIMM. We must end the culture of impunity by enforcing accountability and bringing justice if we want democracy to prosper in Myanmar.
- 4.4. **Humanitarian aid.** The needs on the ground are acute and will most likely only get worse. This requires a clear international humanitarian response plan that works with the NUG and CSOs on the ground to ensure aid gets to those in most need, and in parallel to protect the aid response so it does not play into the military's strategy of seeking international legitimacy. International law is very clear on aid access: consent from the military is not needed for the delivery of aid, including through cross-border operations.
- 4.5. The political solution for Myanmar will need to be **inclusive and based on human rights from the onset**. This is a collective message across the opposition to the Tatmadaw. We believe in building strong alliances with different ethnic groups, civil

society and key stakeholders in Myanmar to build an equal, peaceful and just Myanmar through the struggle against the military.

5. Inviting Cooperation from the International Community

- 5.1. **Recognize the challenges ahead.** We are fighting against a military of more than 400,000 well-armed men, armed with helicopter gunships and fighter jets. We all have seen how atrocious they are in terms of violating human rights. They have also established a state within state, so they will not be defeated easily. But we have the people on our side, the brave and freedom-loving people of Myanmar. They will not bow down and we will not bow down. We will not give up.
- 5.2. The UK has an important role to think through a coherent international plan that works with groups on the ground as part of a long-term strategy. NUG and groups on the ground must be part of this strategy, and where possible leading the decision-making, while we recognize that there are vital regional and global interests in countering the direct attack against democracy, human rights and internationally recognized norms.
- 5.3. We welcome the opportunity to engage further with the Committee and provide direct analysis and assessment from the ground since the MoHR is also committed to work with our civil society partners and international partners to document human rights violations and crimes against humanity perpetrated by the SAC.
- 5.4. The MoHR would be willing to provide oral evidence as part of your inquiry and would welcome further opportunities to engage with the Select Committees of both Houses of the UK Parliament in order to provide facts and analysis of human rights violations and crimes against humanity committed by the military council.

Signed by

H.E. Aung Myo Min
Minister for Human Rights

End

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