



General Assembly

Distr.: General
XX February 2022

English only

Human Rights Council

Forty-ninth session

28 February–1 April 2022

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by European Centre for Law and Justice, The / Centre Européen pour le droit, les Justice et les droits de l'homme, 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.

[7 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

REQUESTING THAT THE U.N. RECOGNISE THE INCREASING VIOLENCE AGAINST CIVILIANS IN THE REPUBLIC OF THE UNION OF MYANMAR AND TAKE IMMEDIATE ACTION TO PROTECT THE CITIZENS OF MYANMAR FROM THE BURMA ARMY

1. INTRODUCTION

This is the ECLJ's sixth report to this Council concerning the grave threat that innocent civilians within the Republic of the Union of Myanmar (Burma) are facing from the Burma Army – a notoriously brutal military that has been the main hindrance in Myanmar's transition into a democratic state. The military insists on retaining political power and a dominating presence in Myanmar, despite accusations “of genocide and other atrocities against religious minority groups”(1). Since the Burma Army's coup just over a year ago on February 1, 2021, nearly 12,000 people have been unlawfully detained, with over 8,800 still in custody, and at least 1,500 protestors – including children – are known to have been killed(2). The Burma Army is run by staunch Buddhists, as Buddhism is the dominant religion in Myanmar with, according to the most recent census data, 87.9% of the population practicing Buddhism in comparison to only 6.2% of the population practicing Christianity(3). In addition to violent atrocities being perpetrated indiscriminately on Myanmar citizens, Christians and other religious minorities are targeted for violence by the Burma Army, with churches and pastors being especially targeted(4). In fact, in its 2022 World Watch List report, Open Doors, a religious freedom watchdog organisation, ranked Myanmar as the twelfth most dangerous country for Christians.

2. BACKGROUND

In August 2021, “Burma's military leader . . . declared himself prime minister and said he would lead the country under the extended state of emergency until elections are held in about two years”(5). Under the state of emergency, the Burma Army has instituted government mandates that restrict citizens' access to outside communications and restrain the rights of those who wish to protest the coup(6). In addition to implementing mandates, the Burma Army uses violence as a response to those who are opposed to the coup(7). Recently, the military “appear[s] to be adapting tactics initially used against members of the Rohingya minority in 2016-2017 for use against communities perceived to be sympathetic to pro-democracy forces. This includes the widespread destruction of civilian homes and infrastructure, including hospitals and clinics, and the indiscriminate shelling of civilian populations”(8).

3. VIOLATIONS

Over a year has passed since the coup began in February 2021. In that year, the Burma Army has murdered at least 1,510 people, arrested 11,937, and currently has 8,934 citizens under detention with 1,972 warrants outstanding(9). Of those arrested, forty-five have been sentenced to death, including two children(10). These numbers have increased since the ECLJ's last submission in August 2021, and the violence is continuing as the Burma Army raids citizens' homes, rob citizens of their belongings, and instill fear that makes the people of Myanmar afraid to leave their homes(11).

Simultaneously, the Burma Army's violent attacks on the people of Myanmar have continued to cause mass displacement within the country. For example, according to a February 2022 report, “[a]s many as 20,000 villagers from 27 villages have been displaced in recent Burma Army offensives in Kawkaik Township”(12).

Moreover, in January 2022, our on the ground sources reported that

The Burma Army has increased its activity in . . . southern Karen State, using helicopters, jets, and artillery in attacks on farms and towns. Random attacks are disrupting daily life, wounding civilians, and sending thousands into hiding. A 9-year-old blind boy was wounded by shrapnel in one attack. . . . Homes, churches, monasteries, and schools have all been targeted and damaged by these attacks, which seem to have no strategic purpose except to terrorize the local population(13).

Indeed, the attacks that have occurred in 2022 are merely a continuation of the campaign of terror that the Burma Army has waged over the last year on the citizens of Myanmar.

Our on the ground sources also report that in December 2021, attacks by the Burma Army displaced at least 10,000 people. The attacks serve as further proof of the barbaric nature of the Burma Army: “On 14th December the Burma Army started arresting villagers and torturing them by tying them up and beating them and pushing their faces into water. On 15 December, Burma Army soldiers came and arrested and tortured more people”(14). The attacks escalated once the Karen National Liberation Army, a pro-democracy ethnic armed organisation, intervened. According to the report, “[t]he Burma Army reinforced its troops and began to shell [a] village,” and “two Burma Army BDRMs armored cars arrived . . . and joined the attack, destroying many homes. Air strikes on 25 December consisted of one jet fighter and two Mi 25 attack helicopters which made bombing and strafing runs, destroying homes and displacing thousands of people”(15).

On 11 December 2021, the Burma Army captured and killed Pastor Om Ki. The Burma Army arrested Pastor Om Ki, held him over night, and then shot him in the head(16).

In November 2021,

The Burma Army and [its] proxies, the Border Guard Force (BGF) continue to have little value for human life and to commit human rights violations across Karen State, forcing women, including twelve girls under the age of 18, to be human shields and porter supplies to their camp. On 12 November the Burma Army again increased their attacks and 2,286 villagers from seven different villages fled into the jungle.

According to the details of the report, the Burma Army forced at least 465 women from different villages to serve as porters, and would “stand with the women porters on either side of them as human shields so the Karen defense forces would not shoot at them”. In the attacks on villages, the Burma Army would indiscriminately fire small arms and machine guns, with as many as 3,000 rounds fired, into the villages and surrounding jungle(17).

On 5 November 2021, our on the ground sources were present when the Burma Army attacked a group of “11,000 IDPs that had previously run and set up a camp in the hills”(18). According to our sources, “20 civilians and members of the People’s Defense Force (PDF) were killed The Phekon PDF was acting as security,” for the IDPs(19).

4. REQUEST

The Burma Army has assumed the role of a brutal dictator, willing to destroy any it sees as a threat. The violence against the people of Myanmar is horrifying, escalating, and deeply concerning. The current political state of Myanmar renders the shadow-government incapable of enacting or upholding laws that guarantee basic human rights, including the right to life and freedom of religion. The continuing conflict within Myanmar has displaced hundreds of thousands of people within the country, and has led to the murder of an unknown number of citizens – though reaching into the thousands – at the hands of the Burma Army. We urgently request the United Nations to aid and protect the people of Myanmar from the continued atrocities that they are facing at the hands of the vicious dictatorial military.

- (1) Nahal Toosi, U.S. Warns Myanmar's Military It'll Be Punished for Coup, POLITICO (31 Jan. 2021), <https://www.politico.com/news/2021/01/31/myanmar-coup-464252>.
- (2) Nonika Marwaha, Number of Deaths in Myanmar Rises to 1,500, Nearly 8,800 in Custody: UN, NDTV.COM (1 Feb. 2022, 4:27 PM), <https://www.ndtv.com/world-news/number-of-deaths-in-myanmar-rises-to-1-500-nearly-8-800-in-custody-un-2742479>.
- (3) OPEN DOORS, MYANMAR: COUNTRY DOSSIER 10-11 (2020), available at <https://www.opendoorsusa.org/wp-content/uploads/2016/09/Myanmar-WWL-2021-Country-dossier.pdf>.
- (4) World Watch List: Myanmar, OPEN DOORS, <https://www.opendoorsusa.org/christian-persecution/world-watch-list/myanmar/> (last visited 2 Feb. 2022).
- (5) Burma Military Chief Extends State of Emergency Until 2023, Democrat Gazette (2 Aug. 2021, 1:00 AM), <https://www.nwaonline.com/news/2021/aug/02/burma-military-chief-extends-state-emergency-until/?business>.
- (6) Int'l Ctr. for Not-For-Profit Law [ICNL], supra note 8, at 5-6.
- (7) Mass Murders Reported in Bago as Troops 'Drag Away' Injured and Dead, Destroy Evidence of Crimes, MYANMAR NOW (11 Apr. 2021), <https://www.myanmar-now.org/en/news/mass-murders-reported-in-bago-as-troops-drag-away-injured-and-dead-destroy-evidence-of-crimes>.
- (8) RESEARCH BRIEF, VIOLENCE AGAINST OR OBSTRUCTION OF HEALTH CARE IN MYANMAR: FEBRUARY-NOVEMBER 2021, PHYSICIANS FOR HUMAN RIGHTS, available at https://phr.org/our-work/resources/violence-against-health-care-in-myanmar/?CID=701f40000018pCMAAY&ms=FY20_SEM_GoogleGrant&gclid=Cj0KCQiA9OiPBhCOARIsAI0y71DpiHoKupigp3-2IvOrYSy1N2DhFfhfZVwGtWh-qW3H63VrgNjk38YaAk7KEALw_wcB.
- (9) Daily Briefing in Relation to the Military Coup, ASSISTANCE ASS'N FOR POL. PRISONERS (2 Feb. 2022), <https://aappb.org/?p=19980>.
- (10) Id.
- (11) Mass Murders Reported in Bago as Troops 'Drag Away' Injured and Dead, Destroy Evidence of Crimes, supra note 7.
- (12) Burma Army Attacks: Displaces 20,000 Villagers and Closes Schools in Kawkariek Township, Karen News (1 Feb. 2022), <https://karennews.org/2022/02/burma-army-attacks-displaces-20000-villagers-and-closes-schools-in-kawkariek-township/>.
- (13) Burma Army Uses Mortars and Aircraft to Terrorize Villages in Dooplaya District, Karen State, FREE BURMA RANGERS (25 Jan. 2022), <https://www.freeburmarangers.org/2022/01/25/burma-army-uses-mortars-and-aircraft-to-terrorize-villagers-in-dooplaya-district-karen-state/>.
- (14) Burma Army Air and Ground Attacks Displace Over 10,000 People in Central Karen State along the Burma-Thai Border, FREE BURMA RANGERS (28 Dec. 2021), <https://www.freeburmarangers.org/2021/12/28/burma-army-air-and-ground-attacks-displace-over-10000-people-in-central-karen-state-along-the-burma-thai-border/>.
- (15) Id.
- (16) Burma Army Soldiers Capture and Kill Chin Pastor During Attacks; Thousands More Fleeing into Hiding, FREE BURMA RANGERS (3 Jan. 2022), <https://www.freeburmarangers.org/2022/01/03/burma-army-soldiers-capture-and-kill-chin-pastor-during-attacks-thousands-more-fleeing-into-hiding/>.
- (17) Karen State: Burma Army Uses Women as Forced Porters and Human Shields, Forces Thousands of Villagers to Flee Their Homes, FREE BURMA RANGERS (9 Dec. 2022), <https://www.freeburmarangers.org/2021/12/09/karen-state-burma-army-uses-women-as-forced-porters-and-human-shields-forces-thousands-of-villagers-to-flee-their-homes/>.
- (18) Burma Army Attacks Terrorize Villagers in Karenni State; Rangers Provide Aid to People on the Run, FREE BURMA RANGERS (5 Nov. 2021), <https://www.freeburmarangers.org/2021/12/19/burma-army-attacks-terrorize-villagers-in-karenni-state-rangers-provide-aid-to-people-on-the-run/>.
- (19) Id.