



Special Advisory Council for — MYANMAR —

The Human Rights Council Must Fully Recognise the NUG, and Set Up a Special Tribunal To Prosecute the Illegal Junta

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There is more that the United Nations (UN) Human Rights Council can and must do to promote and protect the human rights of all Myanmar peoples and to address ongoing human rights atrocities in the country, says the Special Advisory Council for Myanmar (SAC-M). The Council should engage with the National Unity Government (NUG) and consider the establishment of a special tribunal for human rights atrocities in Myanmar.

SAC-M recently concluded a mission to the UN Human Rights Council in Geneva, Switzerland. During the mission, the members of SAC-M met with members of the National Unity Government of Myanmar, diplomats and UN officials.

The Human Rights Council heard an oral update on the situation in Myanmar by the UN High Commissioner for Human Rights during SAC-M's mission. The High Commissioner told the Council that there are reasonable grounds to believe that the military is committing war crimes and crimes against humanity with respect to the systematic and widespread use of tactics against civilians. These include the well-documented military tactic of burning entire villages, with some estimates of 11,000 protected civilian objects having been burned down since the attempted coup began, explained the High Commissioner.

"We welcome the High Commissioner's statement which continued to call out the mass human rights atrocities of the Myanmar military in its ongoing attempt to seize power, and the ineffectiveness of international efforts to reign it in," said Yanghee Lee of SAC-M. **"We also thank the High Commissioner for her leadership, in calling for international engagement with the National Unity Government of Myanmar towards identifying a solution to the crisis, and for all Member States to intensify their pressure on the military leadership."**

The Human Rights Council also heard a panel discussion on the root causes of human rights violations against Rohingya and other minorities in Myanmar. Expert panellists and speakers, including activists Wai Wai Nu and Tun Khin, highlighted ongoing impunity as a key reason for the past and present cycles of violence in Myanmar.

"The National Unity Government of Myanmar has accepted the jurisdiction of the International Criminal Court (ICC) over international crimes in Myanmar since



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2002, but the Court has not yet acted on this," said Marzuki Darusman of SAC-M. **"If the ICC does not act, then the Human Rights Council must explore all other avenues towards ensuring accountability, including the establishment of a special tribunal. The people of Myanmar, including the Rohingya and all other victims of the military's atrocities simply cannot wait."**

Member States of the Human Rights Council emphasised the need for humanitarian assistance for Myanmar and expressed their support for Myanmar's democratic process in response to the oral update and panel discussion. Yet, ironically, no representative of Myanmar's democratically elected government was able to respond. The Human Rights Council has chosen to bar Myanmar's participation despite the UN General Assembly's decision to allow the NUG-aligned Kyaw Moe Tun to continue to represent Myanmar in New York.

"The international community generally, and members of the Human Rights Council specifically, must wake up to the realities on the ground in Myanmar and respond accordingly," said Chris Sidoti of SAC-M. **"The military junta was never the legitimate authority in Myanmar, and it is not now. That is crystal clear, but it is not even the de facto authority. The National Unity Government and allied ethnic administrations control the majority of territory in the country and, apart from the capital, Nay Pyi Taw, the rest of the country is contested. The NUG and the ethnic administrations, along with local civil society and other actors, are already providing people with essential government services and building the new Myanmar."**

"If the international community is to play any constructive role in Myanmar's future, then it must engage with the National Unity Government, as the High Commissioner herself has called for," Sidoti concluded.

