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Remarks to the Tom Lantos Human Rights Commission
United States Congress
“Burma: Human Rights in the Aftermath of the Coup”
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Thank you Chairman McGovern and Chairman Smith for convening a hearing that is very important for three reasons:

- 1) First, you are shining light on a crisis that desperately needs and deserves the world’s attention and action, a crisis that has largely become invisible to most of the world.
- 2) Second, conditions in Myanmar have gone from bad to worse to horrific. And,
- 3) Third, I believe that Myanmar is at an inflection point where the actions of UN Member States could be decisive in helping the the people of Myanmar to end this crisis and no single nation is better positioned to move this action forward than the United States.

Since Senior General Min Aung Hlaing launched an illegal coup two-and-a-half years ago, the military and allied forces inside of Myanmar have:

- Killed at least 4,000 civilians;
- Put nearly 25,000 political prisoners behind bars including the nation’s democratically elected leaders;
- Sentenced 146 political prisoners to death;
- Destroyed approximately 75,000 civilian homes and structures;
- Destroyed the economy, forcing half the country into poverty and putting 17.6 million people in dire need of humanitarian assistance;
- Destroyed critical institutions, denying millions of children education and leaving much of the population without access to basic health care.

The people of Myanmar have been fighting back. Millions took to the streets after the coup was launched and a nationwide civil disobedience movement was mobilized. After junta forces were ordered to shoot protesters point blank, an armed resistance was organized into a nationwide Peoples Defense Force, joining ethnic resistance organizations in armed struggle.

Mr. Chairman, it has become increasingly clear that the junta has not only failed to consolidate power, it is losing ground. The National Unity Government—a parallel government that is broadly representative of the results of the 2020 elections—is setting up administrative offices and providing services in many parts of the country.

But as the military loses control on the ground, it has increasingly taken its attacks to the sky, launching aerial strikes on civilian targets, including villages, schools, hospitals, and encampments for displaced people.

I cited an example in my last report to the UN Human Rights Council. In April, a celebration marking the opening of a new civilian administration office affiliated with the National Unity Government was underway when jet fighters swooped in, dropping bombs on the crowd. Helicopter gunships followed, attacking those who were trying to rescue survivors. Approximately 170 were killed that day, including at least 40 children.

I have spoken directly with survivors and family members of victims of the junta's brutal attacks. They include teachers who were trapped inside their school after they were bombed by junta forces; a dad whose only two daughters were killed when the junta bombed a camp for internally displaced persons. They, like thousands of others, are victims of probable war crimes committed by forces under the command of the same Senior General who commanded the forces who unleashed genocidal attacks against the Rohingya in 2016 and 2017.

I have been receiving regular reports of massacres, torture, sexual violence, beheadings, dismemberment, and the routine use of civilians as human shields.

Mr. Chairman, conditions for the Rohingya ethnic minority have deteriorated both inside and outside of Myanmar. Genocidal attacks in Rakhine State in 2016 and 2017 pushed more than 700,000 Rohingya across the border into Bangladesh, where more than one million now live in overcrowded, squalid camps. Prohibited from working and with very limited educational opportunities for their children, Rohingya families are now facing drastic cuts in food rations, a rise in violence, and an effort to force their repatriation back into the hands of the very military forces who attacked them.

In the last year, food rations in the camps have been cut by a third, forcing Rohingya refugees to figure out how to survive on \$.27 per day. Even prior to the cuts, rations were insufficient. 40 percent of children suffered from stunted growth and more than half were anemic. Now, many adults are forgoing meals so that their children can eat. Acute malnutrition among Rohingya children is on the rise, doubling in the last year. Denying children the food that they need during their developmental years is not only cruel, it will have a devastating, lifelong impact.

This is scandalous.

With life in Bangladesh untenable and returning to Myanmar unthinkable, last year more than 3,500 Rohingya sought to escape by putting their fate into the hands of smugglers to cross the Bay of Bengal and Andaman Sea. At least 348 are confirmed to have died at sea but the true figure is undoubtedly higher.

I spoke with some of the lucky ones during my recent trip to Indonesia. They described their desperation in the camps and the extremely harsh conditions on overcrowded vessels: of smugglers who beat refugees and sexually assaulted young women and girls; of having to divide a single onion, the only food, among dozens; of having to toss the bodies of those who had perished overboard.

Despite these dangers and horrors, I have learned that many more are preparing to risk their lives on smuggler's boats. A few weeks ago, a vessel carrying Rohingya refugees sank, killing dozens. I am gravely concerned that this is only the beginning as the Monsoon comes to an end.

What can be done?

First, the US should provide the requisite humanitarian aid for those who are struggling to survive both inside and outside of Myanmar and help to mobilize support from other Member States.

While the junta severely restricts the distribution of life-saving aid within Myanmar, including blocking roads and harassing and arresting aid workers, civil society organizations have sophisticated networks that can get aid to where it is desperately needed. What they lack are adequate levels of support. We must do better to support these organizations.

Support is also needed for those from Myanmar who have been forced to flee to neighboring states. Most are without documentation and have limited or no access to basic services. This includes large communities in Thailand, Malaysia, and India.

Meanwhile, the Rohingya Humanitarian Joint Response Plan, or JRP, that includes food rations for Rohingya children in Bangladesh who are suffering from severe malnutrition, is only 32 percent funded. I am deeply concerned with reports that some donors, including the United States, are likely to reduce their level of support to the fund this year. To be clear, the US is the largest single source of financial support for this program and it is difficult to ask the administration to do even more. But, I am. Leading by example will also help more nations step up to do more. That is why I have been traveling to member states, including members of the Organization of Islamic Cooperation, who have expressed strong support for the Rohingya in the Human Rights Council, but have provided scant financial support for the desperately needed food rations for Rohingya children. Even though the US has done more than any other Member State to support for this fund, I urge the administration to at least match its commitments from last year.

I made the same appeal to the government of Japan this spring. While they have previously provided more support for this fund than any Asian nation, they have increased their support this year, given the stakes.

I urge the United States to do the same.

Of course, the best way to address the escalating need for humanitarian aid is to stop what is driving the need for humanitarian aid – the junta and its war on the people of Myanmar.

And the best way to do that is deny the junta the three things that it needs to sustain itself: weapons, money, and legitimacy.

First, weapons: As I document in a special report that I released a few months ago, “The Billion Dollar Death Trade,” more than one billion dollars’ worth of weapons have been transferred to the military junta since the coup, notwithstanding the evidence that these weapons will almost certainly be used to commit war crimes. The junta has also continued to purchase the jet fuel that allows its jet fighters and helicopter gunships to attack increasing numbers of villages.

Second, money: The junta has been able to sustain itself by seizing the financial assets that rightfully belong to the people of Myanmar and cashing in on the country’s natural resource wealth. Myanmar Oil and Gas Enterprise, a state-owned entity, supplies more than \$1 Billion to the junta every year, and the junta is exploiting Myanmar’s rich timber, jade, and gemstone wealth.

The junta sees its large military as a source of strength. Indeed, it could not survive without it. But, it is also a weakness as it takes millions of dollars to feed and equip its troops and maintain and deploy its advanced weapons. Cut off access to this money and you cut down the junta’s capacity to attack its people.

Important action was taken shortly after the coup, including the US freezing \$1 billion in the US Federal Reserve. Nevertheless, in the following months, action by Member States to hinder or stop the flow of revenue to the junta has been slow, uneven, and uncoordinated.

Critically important progress was recently made when the US took the highly significant step of imposing sanctions on the Myanmar Foreign Trade Bank and Myanmar Investment and Commercial Bank in June. The junta has relied on these banks to purchase weapons and repatriate revenues to Myanmar. Following this decision, banks in Singapore and Bangladesh froze junta-linked accounts holding millions of US dollars and reduced their business with Myanmar. Sources from

within and outside of Myanmar have indicated that these new sanctions are already having an impact, severely disrupting the junta's ability to recoup foreign revenues and purchase weapons.

The US should build on this momentum by imposing more sanctions and facilitating international coordination to squeeze this deadly flow of revenue to the junta.

Third, there is the legitimacy that the junta relentless seeks. Earlier this year I published a report that demonstrated the fallacy of the junta's claims to be the legitimate government of Myanmar.

The good news is that the majority of democratic governments agree and have withdrawn diplomats, disinvited junta officials from multilateral meetings, and engaged with the legitimate opposition National Unity Government.

The bad news is that a few ASEAN members, along with some other governments in the region, have been seeking to re-integrate junta officials into high-level regional talks.

ASEAN appointed General Tun Aung, Commander in Chief of Myanmar's Air Force, for example, as chairperson of the ASEAN Air Chiefs Conference and Chair of ASEAN Defense Ministers' Meeting-Plus. This is the very commander who is responsible for probable war crimes in Myanmar.

Last year the US withdrew from participation in an ADMM-Plus Counterterrorism Working Group, citing the junta's use of such forums to seek international legitimacy. I urge the United States to continue to deny the junta the legitimacy that it seeks by applying this principle throughout all multi-lateral engagements.

The US Ambassador to the UN Human Rights Council in Geneva, Ambassador Michelle Taylor, has been a strong, consistent, and principled advocate for human rights for the people of Myanmar and the world. It is an honor and a pleasure to work with her in Geneva.

But, Mr. Chairman, more can and must be done to target the junta's access to weapons, funding, and legitimacy. US sanctions can continue to play a crucial role in addressing all three.

I urge the US to join the European Union and immediately impose sanctions on the junta's single largest source of foreign currency revenue, Myanmar Oil and Gas Enterprise, to make it even more difficult for the junta to access these revenues. I also urge the US to continue to target the junta's access to international finance by expanding sanctions on state-owned banks and working with regional partners to ensure that their banks do not aid the junta in evading sanctions.

The US is in a position to play a leadership role to assure that the actions of those who support the people of Myanmar are targeted, coordinated, and add up to a powerful whole. I urge the US to fully seize this opportunity.

A study by Global Witness and EarthRights International earlier this year found that, out of 165 individual and entities sanctioned by the US, UK, and EU, only 22 (or 13 percent) had been targeted by all three governments. 111 (or 67 percent) have only been targeted by only one out of the three. My team analyzed the junta's largest sources of revenue: state- or military-owned conglomerates. We similarly found large gaps, with few entities facing sanctions across the board.

That said, there has been progress. After the publication of my report on weapons flows to the junta, the US, UK, EU, and Canadian governments announced that they had met to "assess and align" their Myanmar sanctions. The US, UK, and Canada have all taken coordinated action to target the junta's access to jet fuel. These sanctions—if expanded and rigorously enforced—could seriously impair the junta's offensive capabilities.

To conclude, the world is at a crossroads with respect to Myanmar. The people of Myanmar continue to show remarkable courage and resolve to defend their country and their children's future from a brutal, illegal military junta. Some UN Member States have chosen to take actions that legitimize and support the junta. Others have chosen to stand with the people of Myanmar by denying the junta what it needs to sustain itself: weapons, money, and legitimacy. They are also stepping up to provide humanitarian aid to those who are suffering inside and outside of the country.

But more must be done and more must be done *now*.

I applaud this Commission for conducting this hearing and shining light on a crisis that has been largely out of sight and out of mind for most of the world.

I commend you and your colleagues for passing the BURMA Act as part of the National Defense Authorization Act at the end of last year. I encourage you to appropriate robust funding to fulfil to goals of the BURMA Act, including the provision of non-lethal support to the democratic opposition.

Finally, I implore you to support robust levels of humanitarian aid to the junta's victims, both inside and outside of Burma, including Rohingya families and children who are facing horrible, life-long impacts of catastrophic rations cuts.

The US, more than any other nation, can play a decisive role in moving the world to make the right choice by helping the people of Myanmar to seize an historic opportunity to end their nightmare.

It is literally a matter of life and death.

Thank you.