



MYANMAR

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**Statement by H.E. Mr. Kyaw Moe Tun, Permanent Representative of the
Republic of the Union of Myanmar to United Nations under
agenda Item 78: Crimes against Humanity,
at the Sixth Committee of the Seventy-Seventh session of UN General Assembly
(New York, 10 October 2022)**

Mr. Chair,

My delegation wishes to express our appreciation to the International Law Commission for the draft articles on the prevention and punishment of crimes against humanity.

The General Assembly has recognized that crimes against humanity are among the most serious crimes of concern to the international community. Accordingly, these crimes must be prevented and their perpetrators punished.

The new Convention on the Prevention and Punishment of Crimes against Humanity aims to add a new, sister instrument to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, as well as the Geneva Conventions on war crimes. The lack of such a convention addressing crimes against humanity has created a gap in the international legal system that we strongly believe must be filled. It is vitally important for all of us to work together to end the culture of impunity for perpetrators.

We are of the view that these ILC draft Articles provide a solid foundation for further negotiation. A Convention on this subject would be a valuable tool to enable international cooperation in national prosecutions of atrocities and crimes. The convention is acutely needed across the international community and especially for a country like Myanmar, where the military acts with impunity and is committing inhumane acts against our people.

Mr. Chair,

Please allow me to share our tragic experiences regarding the commission of serious crimes in Myanmar. Myanmar's military has been perpetrating a systematic campaign of violence against civilians since the illegal military coup on 1 February 2021. Ever since, the people of Myanmar have asked, desperately and peacefully, for their fundamental rights and the restoration of democracy. We are striving to safeguard our democracy, to defend our liberties, and to preserve our humanity. Meanwhile the military massacres, tortures and murders, it commits wholesale arson against civilian homes.

When I made my statement last year at this same Committee, the Myanmar military had killed over 1,100 civilians. Now more than 2,300 people have been executed extrajudicially, arbitrarily, and brutally by the military since the coup.

A serious question must be asked. What is the responsibility of the international community to save lives? For sure, sitting idly by, spectating upon the systematic abuse of innocent civilians, cannot be acceptable to the Myanmar people, or to us.

Mr. Chair,

International legal scholars agree that the atrocities of the Myanmar military could constitute crimes against humanity.

The military has been committing such atrocities for many decades against minorities in Myanmar, including against the Rohingya. These perpetrators must be brought to justice. It is for this reason that the National Unity Government of Myanmar withdrew Myanmar's preliminary objection of the jurisdiction of the ICJ over the case between the Gambia and Myanmar with regard to the Convention on the Prevention and Punishment of the Crime of Genocide. Moreover Myanmar has informed the ICC of the acceptance of its jurisdiction in accordance with Article 12 (3) of the Rome Statute.

It is dangerous if international justice is seen to undermine democratic forces in a conflict State. This may cast doubt on the credibility of international law.

I wish therefore to urge the ICJ and the ICC to listen to the voices of the people of Myanmar, and for the courts to bring justice to the victims.

Mr. Chair,

A few weeks ago, the Myanmar military bombed a school at a monastery in Let Yet Kone village, Debayin Township, Sagaing Region. At least 13 individuals including 7 children were killed. These innocent children studying in school had no chance to learn that international legal protection even existed. They are killed now. They will never know.

It is high time to put an immediate stop to such violence. When all the domestic measures are exhausted to protect the people of Myanmar, the international community has the responsibility to protect the people of Myanmar from the inhumane military. The information gathered by the Independent Investigative Mechanism for Myanmar confirms that this the time we must end the culture of impunity for the Myanmar military.

Therefore, it is already high time to turn evidence into effective action. The UN Security Council must use the admissible evidence of atrocity crimes being committed by the Myanmar military to refer the situation to the ICC, as the Council did twice in the past.

Mr. Chair,

In conclusion, our harrowing experiences highlight the critical need for an international convention to prevent crimes against humanity and punish perpetrators. We fervently hope that such a convention will be implemented soon. It will help save the lives of innocent individuals including children who have been victims of crimes against humanity.

The draft articles endorsed by the International Law Commission represent the international community's desire for measures to end impunity for perpetrators of crimes against humanity and to provide justice for victims. Myanmar supports the establishment of a Convention based on the draft articles suggested by the ILC in this respect.

I thank you.
