



Submission to the United Nations Universal Periodic Review The Peace Process and Armed Conflict in Myanmar

Executive Summary

The submission by the Network for Human Rights Documentation Burma addresses the peace process and armed conflict in Myanmar. Using case-studies from our reports and briefing papers with documentation supported by our members, the sections provide situational context to the security concerns expressed by civilians and civil-society.

Violations of the Northern Ceasefire Agreement

In late December 2018, amid ongoing and heavy armed conflict in Kachin and Shan States, the Myanmar Army declared a four-month unilateral ceasefire in northern Myanmar.

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The ceasefire extended to **five** military command regions.

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The ceasefire was renewed for **two months** at the end of April 2019 after a period of uncertainty and concluded on 31 August.

However, The Myanmar Army is establishing new military camps to expand their territory and engaging in indiscriminate gunfire, artillery attacks and aerial bombardments, which violates the ceasefire terms.

Without a sincere commitment to overtures of peace such as the northern ceasefire or other peace-related activities by the Myanmar Army, there will be no genuine progress towards peace and an end to hostilities in Myanmar. They must keep their word for trust building to occur, and this extends to guarantees of non-recurrence of human rights violations towards conflict- affected communities.



Myanmar is a signatory to the 1949 Geneva Convention, which **prohibits the targeting of civilians or their property**, and yet civilians in ceasefire areas of Kachin, Shan and Rakhine States continue to face risks to their overall security and livelihoods as clashes remain active.

Impacts on Civilian Safety & Overall Well-Being

Despite areas where ceasefires have been signed and agreed to, the Myanmar Army continues to violate terms they set out in the NCA framework.

ARTILLERY FIRING & SHELLING

Indiscriminate attacks and bombardments by the Myanmar Army has resulted in the displacement of thousands of civilians, particularly in Shan State.

In March 2019, five-hundred villagers were displaced after the Burma Army conducted airstrikes using helicopter gunships on a Shan State Army (SSPP/SSA) camp near Hsipaw Township, Shan State.

LANDMINES

Landmines continued to be a hazard for civilians, causing death and injury for those collecting resources in forest areas or tending to their fields. Burma has not acceded to the Mine Ban Treaty, despite an initiative launched by the International Campaign to Ban Landmines in 2003.

ARBITRARY ARREST & DETENTION

Civilians are targeted by the Myanmar Army and arrested without reasonable evidence or an explanation. In one documented ND-Burma case, a 17-year-old male resident of Kyauktaw under Mrauk-U district, was arbitrarily arrested and beaten by the Myanmar Army while driving home. Since his release, he has been unable to speak properly and suffers psychological trauma.

TORTURE

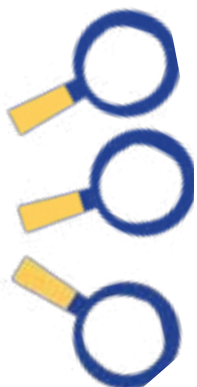
Perpetrators of torture are armed forces from the Myanmar Army and opposition groups who use torture to receive information on the designated enemy. The Assistance Association for Political Prisoners observed that torture is commonly used by the police against civilians in detention.

A Need for Legal Reform & Access to Transitional Justice Mechanisms

Myanmar's justice system remains weak and unaccountable to those who have suffered from human rights abuses from the Myanmar Army.



“Justice is not being served under Myanmar’s military justice system. At the same time, fear of the military is preventing the civilian legal system from functioning.”
- ND-Burma member, the Kachin Women’s Association Thailand

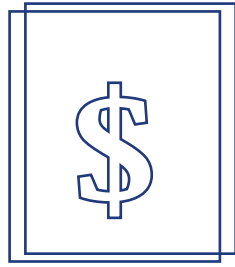


The main intelligence agencies include the Office of the Chief of Military Security Affairs, the Myanmar Police Force’s Special Branch and the Bureau of Special Investigation, **who all report directly or indirectly to the Myanmar Army.**



ND-Burma has long advocated for transitional justice mechanisms to be considered and adopted. In 2015, ND-Burma established a Reparations Working Group to **advocate for measures to help victims rebuild their lives.** The RWG includes all members as well as other civil society organizations campaigning for justice for victims.

As a result of the human rights violations, victims suffer multiple consequences including economic hardship and health problems.



Not only is there an urgent need end to the conflict in ceasefire areas in Myanmar long over-due, but so are reforms to the law.

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Further examination of Myanmar's current mechanisms to uphold transparency and accountability for human rights violations are far from adequate.

MYANMAR NATIONAL HUMAN RIGHTS COMMISSION

The Myanmar National Human Rights Commission (MNHRC) is intended to uphold and investigate violations of human rights.

However:

Calls remain for the MNHRC to revise its mandate to build the trust and leadership needed for it to be recognized as an independent national human rights institution.

Currently, there is a lack of diversity, gender balance and civil society representation where most of the leadership is former military and government officials.



Recommendations

1. In areas where there have been allegations of human rights violations, the government must give unfettered access to humanitarian groups, human rights monitor and media to document.
2. Adoption of a military code of conduct that meets international human rights standards and prosecute soldiers accused of human rights violations in civilian, not military courts.
3. Enact legislative reform to bring the legal system into line with international human rights obligations
4. A halt effective immediately to military operations throughout the country, and withdraw all troops from ethnic areas, so that civilians' lives can be protected and inclusive political negotiations can begin – towards a new federal constitution that can grant equality and justice for all ethnic people of Myanmar.
5. Any level of peace dialogue process must include victims of human rights violations or representatives of victims group, to be reflected the suffering of the victims in the conflict areas and take some kind of immediate measure and response for the conflict affected community.

ND-Burma is a network that consists of 13 member organisations who represent a range of ethnic nationalities, women and former political prisoners. ND-Burma member organisations have been documenting human rights abuses and fighting for justice for victims since 2004.

The network consists of nine Full Members and four Affiliate Members as follows:

Full Members:

Assistance Association for Political Prisoners – Burma
Human Rights Foundation of Monland
Kachin Women's Association – Thailand
Ta'ang Women's Organization
Ta'ang Students and Youth Union
Tavoyan Women's Union
Association Human Rights Defenders and Promoters
All Arakan Students' and Youths' Congress
Future Light Center

Affiliate Members:

Chin Human Rights Organization
East Bago – Former Political Prisoners Network
Pa-O Youth Organization
Progressive Voice