



MYANMAR

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**Statement by Ambassador Kyaw Moe Tun, Permanent Representative of the
Republic of the Union of Myanmar to United Nations**

**Agenda Item 85: The Rule of Law, at the Sixth Committee of the
Seventy-Sixth session of UN General Assembly**

(New York, 8 October 2021)

Madam Chair,

Let me begin by congratulating you on your election as the Chair of the Committee. I assure you and the Bureau of our full support and cooperation.

I also wish to thank the Secretary-General for his report on the state of UN rule of law activities.

Madam Chair,

The rule of law is the bedrock for every country in order to maintain a peaceful and prosperous society - no matter whatever political system and social policies it pursues. Prevalence of the rule of law at the national level is fundamental to the strengthening of respect for international law.

Myanmar continues to regard strengthening and promotion of the rule of law at the national and international levels as prerequisite to achieve the SDG 16 goal, as well as to perform it in accordance with the principles enshrined in the United Nations Charter.

Because of the interdependent and mutually reinforcing relationship between national and international rule of law, the destruction of the rule of law in a domestic setting can result in massive violations of international law, particularly international

criminal, human rights and humanitarian laws, largely undermining the rule of law at the international level.

Nothing demonstrates utter disregard for the rule of law more than an illegal overthrow of a democratically elected government. We all should be deeply concerned of the recent trend of such unlawful attempts in some parts of the world. With its fundamental purpose of maintaining international peace and security and priority of promotion of justice and international law, the United Nations should be unequivocal in denouncing such actions.

Madam Chair,

In Myanmar, the military staged an illegal coup in February 2021 under the pretext of election fraud allegations, detaining Sitting President U Win Myint, State Counsellor Daw Aung San Suu Kyi, senior government members and many others. It is no question that every candidate in an election has the right to formally contest the results. That is why the election dispute mechanism is in place in the respective national laws. However, the military, even neither a participant nor a legal authority on election matters, never went through the existing constitutional and legal dispute settlement procedures. By doing so, the military blatantly violated the Constitution they themselves wrote to guarantee their interests. You all would be stunned to know the first charge brought by the military junta against the leader of the elected civilian government. It is the possession of illegal walkie-talkies, followed by a series of other bogus charges. Think about that. And the subsequent brutalities and atrocities committed by the military forces against peaceful protestors have been widespread and systematic. The preliminary analysis of the UN Independent Investigative Mechanism for Myanmar indicates that crimes against humanity have likely been committed.

Here I wish to appreciate the UN Security Council for strongly condemning the violence against peaceful protestors in Myanmar, calling for the immediate release of all those detained arbitrarily including members of the Government as well as stressing the

need to uphold the rule of law, among others. However, the calls from the international community including the Security Council, the General Assembly and the Human Rights Council have only met total disregard of the military junta. Instead, the military forces have murdered more than 1,100 civilians and continue to do so.

Under the illegal military junta, credibility of justice mechanisms and institutions has been lost. Democratic law-making processes have been replaced by rule by fiat. Their own interpretation of the rule of law is rounding up anyone perceived as opposing their illegal attempted coup. No one can expect adherence or respect for the principles of the rule of law such as equal enforcement, fair and independent adjudication, due process, fair trial, legal certainty, accountability, avoidance of arbitrariness and procedural and legal transparency. As a result, public confidence in State institutions especially law enforcement has collapsed.

There have been widespread arbitrary arrests, extra-judicial killings, torture to death in detention and enforced disappearance. Besides, the so-called military tribunals try cases against civilians summarily and impose the harshest penalties for each crime – including death sentences – with no right of appeal, in violation of international fair trial standards. The accused persons had no legal representation. According to the UN High Commissioner for Human Rights, as of 15 July, 65 individuals including two children have received death sentences, 39 of whom were tried in absentia.

Madam Chair,

The key enabler of such violations and lack of respect for the rule of law is a culture of impunity enjoyed by the perpetrators of the failing military coup. Ending impunity and addressing accountability is a critical effort of the international community in promoting the rule of law at the international level. Under a number of contexts including the Women, Peace and Security agenda, the UN Security Council have emphasized the need to end impunity and prosecute those responsible for serious international crimes. I also thank the

Secretary-General for including in his report the work of the Independent Investigative Mechanism for Myanmar as an important international accountability mechanism.

Madam Chair,

Reestablishment of the rule of law in Myanmar needs to start with the end of the illegitimate military junta and accountability for over a thousand lives lost at their hands. In this regard, we will continue to work closely with the international community including ASEAN and the United Nations, countries within the region and beyond, in order to end ongoing gross violations of domestic and international laws and restore democracy, justice and the rule of law in Myanmar.

I thank you.
