



MYANMAR

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**Statement by Ambassador Kyaw Moe Tun, Permanent Representative of the
Republic of the Union of Myanmar to the United Nations, at General Debate on
Agenda Item 85: “The scope and application of the principle of universal jurisdiction”
of the Sixth Committee of the 79th session of the UN General Assembly**

(New York, 16 October 2024)

Mr. Chair,

My delegation wishes to commend the work of the sixth committee for continuing discussions on the scope and application of the principle of universal jurisdiction which have garnered both convergent and divergent views.

Myanmar perceives developments on this agenda as encouraging. Indeed, an increasing number of national judiciaries have been invoking this principle to initiate investigations and criminal proceedings concerning grave crimes of international law. This growing trend has become particularly crucial in cases of states being either unable or unwilling to conduct credible prosecutions for serious crimes and hold perpetrators accountable, and when domestic rule of law is destructed, and widespread impunity remains unaddressed by competent international bodies like the UN Security Council. In this regard, the case of Myanmar simply illustrates the necessity of universal jurisdiction.

Mr. Chair,

Four years into the unlawful military coup attempt, conditions for credible investigations of alleged serious international crimes are non-existent in my country Myanmar. The military junta has systematically dismantled the rule of law and continued to escalate

brutality against the people. Meanwhile, deliberate destruction of legal frameworks has made impartial inquiries impossible within the country.

Recent data highlights the alarming scale of serious human rights violations and judicial abuses committed by the junta.

According to the Assistance Association for Political Prisoners (AAPP), the junta has sentenced 164 pro-democracy supporters to death, with 42 in absentia and 109 in detention. This excludes the extrajudicial killing of four individuals in July 2022. Apparently, the junta's kangaroo courts routinely deny victims their legal rights and operate without transparency and fair trials.

Throughout these periods, the judicial system in Myanmar has not merely collapsed, but has become an active collaborator in the junta's criminal activities.

The heads of the judiciary sector of the junta, including the Union Attorney General, are complicit in the junta's crimes. The group has gone so far as to amend laws, such as the Fourth Amendment to the Ward or Village Administration Law, to facilitate grave human rights violations by the military junta. They have wielded these amended laws as weapons against civilians, and allowed the junta to freely exploit them when conducting massive arbitrary arrests and detentions. A recent example to this abusive act was the arrest of strike leader Ko Paing Phyo Min, who was detained under this very law, demonstrating its use as a tool of political repression. Furthermore they helped the junta to pursue forced conscription. It demonstrates how the legal system is being weaponized against the public, underscoring Myanmar's complete inability to hold criminals accountable through domestic means.

Looking at this dire situation, we recognize that the prosecution of core international crimes in Myanmar must rely on the broader system of international justice and the principle of universal jurisdiction.

Mr. Chair,

In light of these challenges, we commend the work of the International Independent Mechanism for Myanmar (IIMM).

However, the international community's response has thus far been insufficient to stop the military's ongoing violence against the people of Myanmar. To address this pressing issue, we urgently call upon the UN Security Council and the international community to take the following actions:

1. Refer the military junta to the International Criminal Court (ICC) via the UN Security Council.
2. Impose a global arms embargo and implement sanctions on jet fuel supplies to the military junta.
3. Apply universal jurisdiction within domestic legal frameworks, where applicable, to prosecute members of the junta for their crimes.

These steps are crucial because Myanmar people have long suffered from the military junta's atrocities and the failure of domestic jurisdiction to hold perpetrators accountable.

This ongoing impunity highlights the critical gaps in the current international legal framework. It is vividly clear that the military junta has been exploiting these legal loopholes and continued perpetrating grave human rights violations while shielding themselves from accountability.

Mr. Chair,

To conclude, it is high time for a robust and comprehensive multilateral system that closes the existing gaps in international law, ensuring no safe havens remain for perpetrators of serious international crimes in Myanmar and elsewhere.

In applying universal jurisdiction, we must act in good faith, balancing respect for state sovereignty and territorial integrity. However, we must ensure that excessive restrictions do not undermine the core purpose of this principle. Any exercise of universal jurisdiction

must place a primary goal to eliminate "safe havens" for international criminals and to serve as a deterrent against grave crimes. Therefore, we must be vigilant against overly cautious application that might inadvertently diminish its preventive impact.

On this note, I wish to end by underscoring that only through concerted global effort and the strengthening of mechanisms like universal jurisdiction can create a world where justice prevails, regardless of national boundaries or the power of those who commit atrocities.

The international community must act decisively to refine and reinforce our legal frameworks, thereby safeguarding the rights and dignity of all people, particularly those in vulnerable nations like Myanmar.

I thank you.
