ASEAN actively aiding and abetting Myanmar junta’s war crimes and crimes against humanity

The illegitimate Myanmar military junta has been appointed chair of the ASEAN Air Chiefs Conference, as it intensifies the use of its air force to commit war crimes and crimes against humanity.

Recent junta aerial attacks include indiscriminate air strikes against a concert in Kachin State, killing more than 80 people, and against a school in Let Yet Kone village, Sagaing, killing at least 12 people.

By placing the Myanmar military’s Commander-in-Chief (Air) General Tun Aung, a war criminal, in charge of the ASEAN Air Chiefs Conference, ASEAN is knowingly and actively aiding and abetting the junta to continue its war crimes and crimes against humanity.

General Tun Aung will lead the ASEAN Air Chiefs Conference for the next year, which will involve a series of interactions between ASEAN air forces. The handover to the junta took place during a meeting in Laos on November 4.

The junta’s leadership of the air chiefs conference coincides with Indonesia’s chair of ASEAN.

The junta is also being allowed to continue to lead the ASEAN Defence Ministers’ Meeting (ADMM) Plus Experts’ Working Group on Counter Terrorism, alongside the Russian regime.

As the co-chair, the Myanmar junta is maintaining the group’s website and recently updated it to include a section titled “Terrorist News”, in which it is posting disinformation and propaganda taken from junta-controlled media.

These include posts that label Myanmar’s legitimate government and democratic institutions, the National Unity Government (NUG), Committee Representing Pyidaungsu Hluttaw (CRPH) and People’s Defence Forces (PDFs) as “terrorist”, a designation that the junta uses as a pretext for its ongoing war crimes and crimes against humanity.

In its role as co-chair of the ASEAN working group, the Myanmar junta, which is a terrorist organisation under Myanmar and as defined in international law, is calling the Myanmar people’s sovereign choice of government a terrorist organisation.

The NUG was formed by the CRPH, based on a popular mandate from the people of Myanmar through the 2020 general election. In contrast, the Myanmar military’s coup attempt is illegal under the military-drafted 2008 constitution, and therefore the junta is an illegal entity.

One propaganda post on the ASEAN website from November 3 states, “the CRPH/NUG terrorist groups and PDF terrorists, with the intention to disrupt the State peace, tranquillity and rule of law, are committing the acts of terrorism and vandalism such as burning down and blowing up the houses, office buildings, roads and bridges by using various means. Therefore, the entire population want the international community to denounce the terrorists.”
Another post from September 18 espouses the military’s false claims that the National League for Democracy (NLD) committed electoral fraud in the 2020 election. It states, “the root causes leading to the current political unrests are the electoral frauds that occurred in 2020 general elections. The NLD party that cunningly cheated and frauded the votes in the election are committing the acts of terrorism applying the armed approach after forming the NUG group that comprised extremists of NLD party members”.

The post goes on to state that Myanmar’s representative to the UN, U Kyaw Moe Tun, is a “fugitive”, and warns that countries supporting NUG “will be presumed as the terrorists in international arena”. It then baselessly accuses the non-governmental organisation, Special Advisory Council for Myanmar (SAC-M) of spreading “fake news and disinformation”.

SAC-M’s members are comprised of former UN experts on Myanmar, including Yanghee Lee of South Korea, Marzuki Darusman of Indonesia and Chris Sidoti of Australia, whose governments are part of the junta-led counter terrorism working group. SAC-M is the organisation that demonstrated that the Myanmar junta is a terrorist organisation as defined in national and international law and called for it be designated and treated as such.

The junta further uses the ASEAN website to post names and photos of so-called “terrorists” that it is seeking to detain or has detained under conditions where torture is routine, which amounts to crimes against humanity. The posts include graphic images of victims.

**Junta to host December ASEAN meeting**

The Myanmar junta is set to host the next ASEAN counter terrorism meeting via video conference from Myanmar on December 5-6, according to the working group website. Allowing the junta to co-chair the December meeting will deepen ASEAN’s complicity in the junta’s atrocity crimes and embolden the junta as it continues to wage a war of terror against the people of Myanmar.

The December meeting follows a bilateral counter terrorism meeting between the Russian military and the Myanmar military junta in Naypyidaw in September, under the ASEAN defence platform.

While a report on the September meeting has not been made public, it is likely that it included broader discussions on bilateral defence cooperation.

By allowing the junta to lead the counter terrorism working group, ASEAN is facilitating deepening ties between the junta and Russia. Russia remains one of the main arms suppliers of the Myanmar military and also provides military training and other forms of support.

The working group’s last multilateral meeting was held in Moscow in July 2022. Australia, New Zealand and the USA all announced a boycott of the meeting.

**International legal implications**

In May, Justice For Myanmar concluded that through ongoing military support, legitimacy and the impeding of international action to resolve the crisis in Myanmar, it is likely that ASEAN is aiding and abetting the junta’s war crimes and crimes against humanity. ASEAN’s continued military engagement with the junta only exacerbates its liability in the junta’s international crimes.

ASEAN has been warned by the UN Special Rapporteur on the situation of human rights in Myanmar that its efforts to address the Myanmar crisis is “inadequate” and that a fundamentally new approach is needed “to deprive the junta of the funds, weapons and legitimacy it uses to continue its assault on the rights and democratic aspirations of the people of Myanmar”.
ASEAN can be attributed knowledge of its role in the junta’s international crimes.

By placing the junta in charge of the ASEAN Air Chiefs Conference and allowing it to lead the counter terrorism working group, ASEAN also continues to recognise the illegitimate junta as the government of Myanmar, despite the NUG’s democratic mandate. This act of recognition breaches the international legal principle of non-interference in State sovereignty, including in Myanmar’s right to choose its own government.

ASEAN, its members and the ADMM partners Australia, China, India, Japan, South Korea, New Zealand and the USA must take a clear stand against the junta’s war of terror, its illegal coup attempt and its dissemination of disinformation and propaganda through ADMM-Plus.

We demand the following immediate steps

1. Revoke the Myanmar junta’s position as chair of the ASEAN Air Chiefs Conference and co-chair of ADMM’s counter terrorism group.
2. Take control of the counter terrorism working group website from the junta.
3. Exclude the junta from all ASEAN meetings and activities.
4. Recognise and support the National Unity Government as the legitimate government of Myanmar.
5. Take concrete action to end the Myanmar military’s violence against the Myanmar people.
6. Cooperate with UN Member States to impose a global arms embargo on Myanmar and to refer the Myanmar situation to the International Criminal Court through the UN Security Council.

ASEAN, its members, and its partners must act now to withdraw from aiding and abetting the terrorist junta.

Justice For Myanmar spokesperson Yadanar Maung says: “The junta is a terrorist organisation. It is outrageous that ASEAN’s response to the junta’s indiscriminate air strikes is to appoint the junta’s air chief, a war criminal, in charge of a regional body.

“General Tun Aung must be held accountable for his crimes under international law, not emboldened to step up his slaughter of civilians.

“ASEAN appointed General Tun Aung in charge knowing that he and the junta he represents are committing war crimes and crimes against humanity. ASEAN is therefore actively aiding and abetting those international crimes.

“It is unacceptable that ASEAN and its partners see it as appropriate to allow the junta to lead regional defence bodies, providing it with legitimacy, support and platforms for its disinformation and propaganda.

“ASEAN’s position is untenable and it must act now to end its complicity in the junta’s crimes by immediately revoking its roles in the ASEAN Air Chiefs Conference and ADMM-Plus Experts’ Working Group on Counter Terrorism, excluding it from all meetings and activities, censuring it for its publication of disinformation and propaganda on an ASEAN website, and recognising and supporting NUG as the legitimate government of Myanmar.

“It is deplorable that democracies in the Indo-Pacific, Australia, India, Japan, South Korea, New Zealand and the USA are maintaining multilateral defence cooperation with the junta through ASEAN. This only emboldens the junta’s extreme violence against the people of Myanmar, giving it a green light to continue to commit atrocity crimes with blanket impunity.
“While we welcome boycotts of the junta’s last counter terrorism meeting, held in Moscow, ADMM-Plus members must do far more to resolve the crisis in Myanmar and end ASEAN’s complicity.”

More information:

Read our report on ASEAN’s complicity in the Myanmar military’s atrocity crimes here

Justice For Myanmar, a group of covert activists campaigning for justice and accountability for the people of Myanmar, is calling for an end to military business and for federal democracy and a sustainable peace.

Justice For Myanmar | media@justiceformyanmar.org
https://www.justiceformyanmar.org/ | Mirror: https://justiceformyanmar.github.io/justiceformyanmar.org/