



Open letter, to the kind attention of

H.E: Ursula von der Leyen
European Commission President

H.E. Joseph Borrell
High Representative of the Union
for Foreign Affairs and Security Policy

H.E. Stefano Sannino
Ambassador
EEAS Secretary General

H.E. Ranieri Sabatucci
European Union Ambassador
To Myanmar

H.E. Roberta Metsola
President EU Parliament

H.E. Antonio Tajani
Minister of International Affairs
and International Cooperation
Rome, Italy

Rome, 18.3.24

Excellencies,

The courageous struggle of the Myanmar people to defeat the military junta and to build a democratic, federal and inclusive country for all, is producing extraordinary results, and most of the country is now under the political and administrative control of the democratic forces.

For these reasons, a dying junta is dramatically increasing its bombings and artillery attacks against civilians and committing war crimes and crimes against humanity. At this juncture, the SAC is organizing its illegal elections, with the certainty that friendly countries will recognize them. Finally, to remedy the thousands of desertions, that are strangling the army, the junta has implemented the old compulsory conscription law.

A law, that the ILO Commission of Inquiry stated is not compatible with Convention 29 (paragraphs 615-618) and that is throwing the entire country into panic. Hundreds of young people are arrested every day or are trying to flee to other countries in a very risky way, including young Rohingya, who are deprived of citizenship and fundamental rights.

We understand that most of the EU decisions depend on the member states governments, but we think the UE Commission and the Italian government, should take extraordinary urgent action now, with the same strength as for the sanctions adopted against Russia's invasion of Ukraine.

While the International institutions could offer until now, only Resolutions and weak replies against Myanmar junta crimes, and to defeat the military junta, the EU, as one of the key players and contributors to the previous Myanmar democratic transition, has the moral duty to play a stronger role, using all the needed diplomatic instruments, as well as further restrictive measures toward key military assets, some of which indicated also by the EU Parliament Resolutions, to pave the way to build a complete democracy in Burma/Myanmar.

In this regard, we acknowledge that the implementation of the ASEAN 5-Point Consensus, improved by the ASEAN on 27th October 2022, made no progress and that the implementation plan, with concrete and measurable indicators, has not yet been defined, due to the junta's opposition, and the division among the ASEAN governments.

We also underline that in the current phase the foreseen "*inclusive national dialogue*" would repent the immense sacrifices of the Myanmar people, who ask for the end of military tyranny and the achievement of a true federal democracy.

The Myanmar Ambassador to the UN, U Kyaw Moe Tun, during a UNSC event, held on March 13, said that "*the dictators are forcing Myanmar youth into mandatory military service, not to defend the country, but to use them as human shields and porters against the growing anti-coup revolutionary forces*".

It is time for the EU Commission to make courageous decisions, to remain among the main actors for a joint initiative with other like-minded countries, to defeat such a genocidal dictatorship.

We want to recall the enormous importance and urgent warnings arising from the 14 March 2024 Report of the UN Special Rapporteur on human rights in Myanmar, Thomas Andrews. According to the report, today there are over 2,700,000 internal refugees and by the end of 2024 there will be 3.6 million IDPs.

The Report underlines that: "SAC poses a threat not only to the people of Myanmar, but to the region and the world... and that "the deteriorating conditions inside Myanmar require a new level of coordinated action by UN member states".

Failure to act decisively will put millions of people at risk. The Report cites the Article 14 of the Rome Statute which offers a potential path to hold SAC and military leaders accountable at the International Criminal Court (ICC) for crimes committed within Myanmar both before and after the coup.

Further to Article 14, one or more state parties to the ICC could refer the situation in Myanmar to the ICC Prosecutor, requesting that he investigates potential crimes in Myanmar.

The conclusions of the UN Report indicate a series of urgent measures that the EU has the moral and political obligation to adopt, without waiting any longer.

Among them we recall the urgent need to:

- Recognize the National Unity Government as the legitimate representative of the people of Myanmar.
- Provide the NUG, NUCC, ethnic resistance organizations, and Myanmar civil society organizations, with financial, technical, and diplomatic support, including support to enhance dialogue between themselves, and to advance the political framework for a future peaceful and democratic Myanmar.
- Refer the situation in Myanmar to the Prosecutor of the ICC, under Article 14 of the Rome Statute, requesting an investigation into alleged crimes that have been committed against the people of Myanmar.
- The approval of strong, and effective political and restrictive measures is urgently needed, including on the banking and insurance sector, and as underlined by the Report: "on companies selling aviation fuel to the junta, classify aviation fuel as a dual-use technology under applicable local laws, and prevent its transshipment to SAC forces".
- Sanctions should include further junta state and region chief ministers, directors of business owned by senior junta members and their families, and directors of military-controlled businesses, which have not yet been included among the sanctioned subject's lists.
- In this regard, as underlined by Justice for Myanmar organization, we ask to include, among the further sanctioned persons, Htoo Htwe Tay Za, also known as Rachel Tayza (currently residing in Italy), who has an active role, as a director and shareholder in the Htoo Group of Companies and is the daughter of the Htoo Group Chairperson, Tay Za, already sanctioned by the EU, USA, UK and Canada.



Finally, we urgently ask the EU to openly condemn the junta plan for the illegal elections and to adopt a robust project to support young people who, refusing to be drafted, need protection and social reintegration in the liberated areas or in neighbor countries. These projects should also foresee a strong support for families and soldiers who intend to desert and who would find themselves unable to do so without financial and organizational support.

A project of this type will succeed in splitting and substantially weakening the army, thus contributing not only to the desertion of thousands of soldiers of all ranks, but also to the fall of the junta.

Ready to discuss such proposals with your Offices, please accept our best regards.

Vincenzo Scotti
Presidente

Cecilia Brighi
Segretaria Generale