

TO:

Jan Lipavský
Minister of Foreign Affairs, Czechia

Roberta Metsola
President of the European Parliament

Josep Borrell Fontelles
Vice President of the European Commission
& High Representative of the Union for
Foreign Affairs and Security Policy

Foreign Ministers of EU Member States
Austria, Belgium, Bulgaria, Croatia, Cyprus,
Denmark, Estonia, Finland,
France, Germany, Greece, Hungary, Ireland,
Italy, Latvia, Lithuania, Luxembourg, Malta,
Netherlands, Poland, Portugal, Romania,
Slovakia, Slovenia, Spain and Sweden

Foreign Ministers of ASEAN Member States
Brunei Darussalam, Cambodia, Indonesia, Laos,
Malaysia, Philippines, Singapore, Thailand, Vietnam

H.E. Dr. Kao Kim Hourn
Secretary-General, ASEAN

CC:
Daw Zin Mar Aung
Minister for Foreign Affairs
National Unity Government, Myanmar

20 February 2024

Subject: Request to exclude illegitimate Myanmar military junta from all official meetings

Dear Minister Lipavský,
Dear EU and ASEAN leaders,

We, the undersigned 354 Myanmar, regional and international organisations and allies are writing this open letter to urge the European Union and its Member States to exclude Myanmar military junta members from all official meetings and activities.

In recent weeks, **representatives of the EU and its Member States at the highest level** have held **meetings** and events with **Soe Lin Han**, representative of the **illegal and unelected Myanmar military junta** that began an attempted coup in 2021. These meetings involved Vice-President of the European Commission and High Representative of the Union for Foreign Affairs and Security Policy, **Josep Borrell Fontelles**, and President of the European Parliament, **Roberta Metsola**, and the **Foreign Ministers of EU Member States**.

At the meetings, the **military junta representative appears to have been treated as a government representative** and it is likely that the meetings were used as an **opportunity for the military junta to spread false information**. The military junta's reports of these meetings state that the junta representatives spread information **about 'terrorist attacks', a planned 'election' and 'providing humanitarian aid'** in Myanmar. It must be noted that the junta has continuously made public claims about these topics that are **false, misleading and dangerous** (see document attached for details).

It is currently unclear exactly what the military junta representative said on these topics at the EU-ASEAN meetings or whether representatives of the EU and its Member States questioned, challenged or countered the information provided by the military junta.

The Myanmar military junta's public reports about these meetings in Brussels are attached. This information comes from the domestic media channels in Myanmar that the military junta has seized control over since 2021 and is currently using to spread false information and its own propaganda. The photographs in these reports provide **evidence of the presence** of **Soe Lin Han** (also referred to as Soe Lynn Han), **Josep Borrell** and **Roberta Metsola** at the meetings and events. This evidence has been corroborated and confirmed with other relevant sources. The official nature of the events, the photos provided and other evidence also indicate that the **junta members were invited to represent Myanmar** at these events, as though they were government officials.

We would like to underline the fact that **the Myanmar military junta is not, by any definition, a government.** As you may be aware, a democratic general election was held in Myanmar on November 8, 2020. In a landslide victory, the voters elected a government led by the National League for Democracy party. Independent national and international election observers unanimously concluded^{i ii iii} that the election was free and fair, and the result represented the will of the Myanmar people.

Yet, on **February 1, 2021 the Myanmar military launched an illegal coup attempt.** Since then, an illegal and illegitimate military junta has seized multiple institutions of government, including domestic ministries and overseas embassies, and attempted to pose as the government of Myanmar. The junta refers to itself as the 'State Administrative Council' (SAC), even though it has neither the authority to hold government office nor effective control over the majority of Myanmar's territories, which are increasingly under the administration of the democratic resistance movement and ethnic administration bodies.^{iv}

Under the guise of the SAC, the military junta has launched a nationwide campaign of heinous crimes against the people of Myanmar in an attempt to suppress and control them. To date, the military has killed 4,519 people and imprisoned 20,087 more,^v including elected members of parliament, journalists, pro-democracy activists and others. The military has committed indiscriminate airstrikes, shelling, mass torture, sexual violence and forced 2.6 million people to flee their homes^{vi} since the attempted coup began. Such atrocities amount to war crimes and crimes against humanity. These have been committed by the same military that stands accused of genocide and other serious crimes against the Rohingya before the International Court of Justice, the International Criminal Court and in the universal jurisdiction case in Argentina. The junta is rejected by the people of Myanmar because it is an illegal criminal organisation that meets the criteria for a terrorist organisation under both Myanmar national law and as defined in international law.^{vii}

For the reasons outlined above and more, the Myanmar **military junta is currently subject to multiple EU sanctions.** These include sanctions against the State Administration Council (SAC) because they "are engaged in actions that threaten the peace, security and stability of Myanmar/Burma"^{viii} as well as sanctions against multiple individual junta members and the government and business entities that the junta currently controls.^{ix x xi xii xiii xiv}

The Myanmar military junta, after suffering significant territorial losses in the last three months, has recently intensified its efforts to gain legitimacy by taking every possible opportunity to engage with the international community. When foreign governments and intergovernmental institutions such as the EU and ASEAN **engage with the military junta as though it were a government, this risks significant harms for the people of Myanmar,** including:

- decisions being made on behalf of Myanmar people;
- legitimising the Myanmar military junta and assisting their illegal attempts to appear as a government; and
- assisting the military junta in its illegal (and to date unsuccessful) quest to take full control of the country;
- emboldening the junta to escalate its violence and commit further atrocities, war crimes, crimes against humanity and human rights violations.

Allowing illegitimate military junta representatives to attend high level meetings with representatives of the EU and its Member States **raises serious questions,** including:

1. Why are the highest representatives of the EU and the foreign ministers of its Member States treating members of a violent extremist military junta as though they are government officials?
2. Why isn't the EU inviting and engaging with Myanmar's actual elected government instead?
3. During the meetings in Brussels, what exactly did the military junta representative(s) claim about 'terrorist attacks', a planned 'election' and 'providing humanitarian aid' in Myanmar?
4. Did any EU representative(s) at these meetings and events challenge the claims made by the Myanmar military junta representative(s)?

While it is a common protocol to send meeting and event invitations to official representatives of foreign countries via the local embassies of those countries, it should be noted that the military junta has illegally seized control of Myanmar embassies around the world, including the embassy in Brussels. The **EU must take action to ensure that the citizens of Myanmar are represented by their democratically elected leaders**. As a first step, the EU should not issue invitations to the Myanmar embassy in Brussels while it is under the military junta's control. Likewise, Member States also should not issue invitations for meetings and events to Myanmar embassies under junta control in their own capital cities. The appropriate democratically elected representatives of Myanmar people in all international fora **are the National Unity Government (NUG)**. The Minister for Foreign Affairs, H.E Daw Zin Mar Aung (cc'd in this letter), can be contacted at mofa@nugmyanmar.org or via the NUG's [official website](#).

As the recent meetings in Brussels involved a Myanmar military junta member, EU leaders and ASEAN foreign ministers, it should also be noted that in the three years since the military coup, **ASEAN has not achieved any diplomatic solution to the crisis in Myanmar** and there is no clear plan of action from ASEAN to resolve it in future. Therefore, there is no reasonable expectation that continuing to deferring responsibility for resolving the crisis in Myanmar to ASEAN and/or bringing ASEAN Member States together with military junta representatives would lead to any sort of positive development.

Further, the **United Nations Special Rapporteur for the situation of human rights in Myanmar** has extensively documented the military junta's crimes and attempts to gain legitimacy among the international community. The Special Rapporteur recommends^{xv} ^{xvi} that ASEAN must not allow Myanmar military junta personnel to participate in any ASEAN meetings. He also calls on ASEAN Member States to: "not attend if the invitations to the junta military personnel are not rescinded."^{xvii} Further, the Special Rapporteur urges that "Member States who support human rights, democracy, and the aspirations of the people of Myanmar publicly reject the SAC's false claim as a legitimate government and instead recognise the NUG as the legitimate representative of the people of Myanmar."^{xviii}

If you would like further information, evidence, translation of Burmese language content and/or comments, please do not hesitate to contact us.

We await your response with much anticipation and hope to see the EU take action to limit the military junta's efforts to pose as a government and seek legitimacy from the international community, and to ensure that the people of Myanmar receive the international support that they deserve. Meanwhile, we will continue to monitor whether your actions support the people of Myanmar or the brutal and illegitimate military junta.

Sincerely,

Igor Blazevic
Educational Initiatives Prague



Sabe Soe
Burma Center Prague



Jana Stehnová
Integria z. ú.



Jakub Klepal
Nadace Forum 2000



Kristína Kironská
CEIAS



This letter is endorsed by **354** organisations representing Myanmar regional and international civil society, including the 325 organisations listed below and 29 organisations which have chosen not to disclose their names below.