



United Nations Human Rights Council 50th Session

Agenda Item 3: Interactive Dialogue with the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

Oral Statement

22 June 2022

The Law Council of Australia and the International Bar Association Human Rights Institute condemn the practice of Myanmar's Tatmadaw to try civilians before military tribunals for capital crimes.

Since the coup on 1 February 2021, at least 114 people have been sentenced to death, including 41 *in absentia*, in closed, summary proceedings before military tribunals.¹ These trials are completely incompatible with international standards on the use of capital punishment – particularly the fundamental principle that civilians must not be tried for capital crimes before military tribunals.²

The junta's efforts to publicise the identities of four persons recently pronounced for execution also suggests that these actions are politically motivated.

By placing the court process under the military's purview, systematically dismantling due process and human rights safeguards, and denying the accused their rights to a fair trial, legal assistance and appeal, any execution carried out following a conviction by the junta's tribunals will amount to an arbitrary deprivation of life.³

We urge the Special Rapporteur to continue to monitor the Tatmadaw's misuse of military courts and unlawful use of the death penalty, and call on the international community to intensify pressure on the junta to immediately halt these practices, commute all death sentences and release all persons unlawfully detained.

We thank you.

This statement was delivered by Mr Tass Liveris, President of the Law Council of Australia.

¹ Thomas Andrews, Special Rapporteur on the situation of human rights in Myanmar and Morris Tidball-Binz, Special Rapporteur on extra-judicial summary or arbitrary executions, *Myanmar: UN experts sound alarm over junta's decision to enforce death sentences* (Press Release, 10 June 2022) <<https://www.ohchr.org/en/press-releases/2022/06/myanmar-un-experts-sound-alarm-over-juntas-decision-enforce-death-sentences>>.

² Human Rights Committee, General Comment No. 36, CCPR/C/GC/36 para 45. See also Human Rights Committee General Comment No. 35 CCPR/C/GC/35 para 45.

³ ICCPR Art 6(1), 6(2), 6(4). Human Rights Committee, General Comment No. 36, CCPR/C/GC/36 para 16.