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Name of the Committee: House Committee on Foreign Affairs

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Mr. Chairman and distinguished committee members,

Thank you very much for inviting me to speak to you today on the crisis and the grave tragedy unfolding in Burma. Firstly, I would like to thank the United States government for the concerted efforts to end the Myanmar military's unlawful coup and terror campaign against the people of Burma, and the support it has offered for the people of Burma to realize their long-fought dream to achieve a federal democracy. We are truly grateful for these efforts.

By way of introduction, my name is Khin Ohmar, Founder and Chairperson of the Advisory Board of Progressive Voice. Progressive Voice is a human rights research and advocacy organization, working to amplify the voices of vulnerable, marginalized, and disenfranchised communities of Burma. We work in partnership with civil society organizations across the country working on a range of issues from human rights protection and humanitarian aid provision to ethnic and religious minority rights, land rights, labor rights and sustainable development.

I am here today to share the realities on the ground, to impart on you the untold suffering that my people are experiencing, and appeal to you to accelerate your efforts in taking swift actions to address the dire situation in Burma. There is an urgent need for a coordinated and unified international effort to apply further external pressure to end the brutality of the illegal junta. I appeal to you as someone who was on the ground in Burma during the last coup, staged by the same military in 1988, and as one of the many organizers of the previous democracy movement who still yearns for a true democracy in her homeland.

In 1988, when the Myanmar military brutally cracked down on pro-democracy protesters, an estimated 3,000 protesters were brutally shot and killed. Similar to the situation of current protesters, myself and many thousands of other protesters had to flee our homes to the ethnic areas under the control and administration of various ethnic armed revolutionary governments, such as Karen National Union, for protection. Many of my dear friends spent more than 20 years of their life in prison and some tragically died there. In 1990, I came to United States as a political refugee and since then have continued my life-long commitment and dream of achieving democracy in my mother land, based in exile. In 1995, I testified before the US Senate Subcommittee on Foreign Operations giving my account of the fatal crackdowns in 1988 and the violence and oppression that occurred since.

When Burma opened up in 2012, I was given a visa to return with the ostensible promise from the quasi-civilian military-led government that I would be able to continue my work on democracy and human rights. Unfortunately, I instead experienced heavy surveillance, threats and harassment by the military and police intelligence and severe restrictions on my work. Ultimately, the situation deteriorated to a point which led me to leave Burma again to live in exile. With 32 years of continual work in Burma's struggle for democracy, I have a deep and profound understanding of how crucial this period is in deciding the shape of the future of Burma that is free from the tyranny of this brutal military.

For the past decade of Burma's opening to the world, the people were cautiously optimistic for the democratic transition to become genuine and substantial under the military guided "disciplined

democracy”. Unfortunately, the February 1 coup de tat’ was a wakeup call loud and clear that the military never intended to give up their power. Now we are at a crossroads.

“To abolish the military dictatorship is our cause!” This is the slogan by the people’s Spring Revolution movement with its objectives clear.

Situation on the Ground

Mr. Chairman and members of the committee, I would like to now give an overview of the current situation on the ground in Myanmar. Since the unlawful coup attempt by the military on February 1st, millions of peaceful protesters have taken to the streets to protest the military junta. People from all walks of life across nearly all geographical areas of Burma have come together to reject and dismantle this attempted coup by the junta, standing firm in their defiance and resistance. The civil disobedience movement, which started immediately after the coup by doctors and factory workers quickly expanded to civil servants and public and private sector workers, including members of the police force and some soldiers, and has effectively prevented the military from controlling the administration, banks, hospitals, and other sectors. To this point, the attempted coup is failing.

Protests have been led and organized daily by a new generation of youth who are much more connected to the rest of the world, particularly through social media, than in my student days in 1988. They have also been more creative and imaginative and more perseverant and defiant than we were in 1988. Professional journalists and citizen journalists alike have played a major role in documenting the evidence of military brutalities and letting the world know what is happening to them. The outright rejection of the military that people expressed in the November 2020 elections and now in the protest movement, is also helping to build unity and connections among the different parts of Myanmar’s diverse population, strengthening the country’s social fabric by sharing and caring for one another. For the past ten years, and in spite of being under the military-dominated civic space, they have had connections to the outside world and tasted some freedom that we did not have in 1988. This military coup suddenly took away the futures they had dreamed for themselves. These resilient and brave young protestors are not about to let those dreams go so easily.

Despite this, the military are again showing their true face. The junta launched a nationwide campaign of brutality since its attempted coup, as they commit crimes against humanity by systematically murdering, forcibly disappearing, torturing, and imprisoning innocent people throughout the country. This only adds to their violent history which they have built as perpetrators of atrocity crimes for many decades. Freedom of information and expression has also been severely curbed by the nationwide internet cuts which has been imposed for over 70 consecutive nights, placing Burma back into the darkness. Such daily internet cuts have continued daily from 1:00 A.M. to 9:00 A.M., while curfew has been imposed from 8:00 P.M. to 4:00 A.M. Phone data services have been cut since March 14, 2021 and Wi-Fi has been cut since April 1, 2021, while social media services like Facebook and Twitter have been blocked, which for many are a lifeline to the outside world.

The protesters, bystanders, and people in their homes, have been met with indiscriminate violence and an absolute all-out war. Against unarmed civilians, the junta has used war zone weapons, including snipers, grenades, and semiautomatic machineguns – terrorizing the Burmese people without remorse. The killings have included execution style killings, aimed at the head – a tactic that has been publicly announced by the junta as a clear warning and threat to the people. The cruel reality is that they are more than just threats.

The deadliest attack occurred on March 27, 2021. While the illegitimate junta enjoyed fireworks and parades in the capital commemorating Armed Forces Day, police and soldiers committed the

mass murder of 169 unarmed peaceful protesters and civilians. This single-minded focus on killing is intended to create terror and weaponize their impunity to force the people of Burma into submission, using any means necessary in order to gain a semblance of control. Throughout decades of war waged against ethnic nationalities, the military raped and killed women to terrorize ethnic communities into submission. Now it appears they are targeting children and women for the same reason.

The military are also deliberately destroying the evidence of their heinous crimes. Injured or dead bodies have been swiftly carried away by the military and police and, in some cases, when dead bodies are returned the next day there were clear signs that they had been cut up, opened, and stitched back together, possibly to remove evidence of the cause of death. In some cases, cash is demanded from the families in order for the bodies to be returned to their loved ones. The military are not only extorting from the families of those murdered, but they are also looting cell phones, computers, motorcycles, and destroying houses, private property, and food stores at random. They have indiscriminately shot into houses and have set fires to buildings in acts of arson. They are also utilizing the age-old tactic of civilian informers, including street children, in order to step up their arrests. This is all aimed to further crack down on the movement.

Currently, 756 people have been killed, with 4,500 arbitrarily arrested and 3,441 remain in arbitrary detention according to the latest data from the Assistance Association for Political Prisoners.

Detainees include State Counsellor Daw Aung San Suu Kyi and President U Win Myint from the National League for Democracy, who won a landslide victory in the recent November 8, 2020 elections. Most of those in detention are protesters, human rights defenders and journalists arbitrarily arrested during protests or abducted from their homes and often under the cover of night.

Conditions within detention centers are grim, as those detained do not have any contact with the outside world. Some are taken to interrogation centers where they are tortured and beaten with no access to legal representation or contact with their families. For women detainees the situation is far worse. There have been credible reports of rape, sexual and gender-based violence, sexual assaults and psychological abuse and torture. Last week, Radio Free Asia reported on one woman detainee, Khin Nyein Thu, being held at an interrogation center at Shwepyitha Township. She was brutally tortured, beaten with a metal pipe, kicked in her groin, and sexually assaulted by soldiers. A disturbing pair of photographs of her before and after abduction were plastered on the junta's propaganda TV station, MWTB, showing her virtually unrecognizable beaten face. Incidents like this illustrates the extreme cruelty of the military, especially towards women. In addition to this account, there are reports of security forces groping women, manhandling, and humiliating them – such as forcing them to dance in the street for their entertainment. The legitimate, interim government of Myanmar – the National Unity Government – has received many reports of such sexual violence committed by the junta's security forces, and its Ministry of Women, Youth, and Children's Affairs has stated its commitment to ending violence against women and to ensure justice and accountability.

Sexual and gender-based violence has long been used by the Burma military as a tool of warfare. This has been well documented by local ethnic women organizations and evidenced at length in the findings of the UN Independent International Fact-Finding Mission on Myanmar, which described the Burma military as committing routine and systematic acts of sexual violence against ethnic women. Justice and accountability for these crimes, and other atrocity crimes, has not been dealt, and perpetrators continue to remain free, enjoying total impunity.

I want to draw the Committee's attention to some of the most vulnerable, including women, children, the disabled and members of the LGBTQ community. The junta's brutality knows no

limits and have targeted these groups as a tactic of oppression for submission. They have murdered at least 51 children since the start of the coup - including children in their homes and those playing in the street. One such case is 6-year-old Khin Myo Chit. Her name means “Patriotic girl”. She was from the Muslim community in Mandalay region. She was shot by security forces who raided her home in Mandalay on March 24, 2021 dying in her father’s arms. Her injured brother was taken away. Her family had to quickly remove her body from the home and go into hiding. As many in Burma are aware, security forces are returning to the scene of their crimes in order to extract evidence, such as bullets from victims’ bodies. In another disturbing incident, security forces kidnapped a 4-year-old daughter and 2-year-old nephew of a National League for Democracy official, Jar Lay, in a disgusting and villainous act to elicit his whereabouts, using children as pawns. There are many similar cases of family members being abducted if authorities do not find their intended target.

In the face of these horrific events, people are determined to rid the country of the junta, but often at great cost. The junta is bleeding money from the government’s coffers and the reserve bank in an attempt to bankroll their massacres. Burma is on the brink of economic collapse and the UN warns of a slow burning food crisis. The UN Development Programme has also warned that, combined with the effects of the COVID-19 pandemic, 12 million more people could fall into poverty. Despite this, brave young men and women are taking to the streets to protest, while civil servants continue striking and refusing to take orders from an illegitimate junta, which means they have not received a paycheck since the end of February. Some civil servants who bravely participated in the civil disobedience movement have been kicked out of their public housing. Still, these brave men and women carry on with their resistance and defiance in the face of extreme violence because the alternative is far worse.

While men, women and children are being killed in the streets and their homes, the unlawful junta has been launching airstrikes in Karen and Kachin States. In Karen State, these air strikes target villages, schools and health clinics – in breach of the Geneva Convention. This has led to the displacement of between 45,000 and 50,000 people, with 20 civilians killed as a result of these airstrikes since the end of March.

For ethnic people, including many of these displaced Karen villagers, this is an all too familiar situation. Decades of civil war – perpetrated by the same military – has caused these ethnic communities to be displaced from their homes multiple times – some throughout their lives. Many Karen people remain over the border in Thailand, displaced since the 1990s due to the military’s ethnic cleansing campaign against the Karen people, unable to return to their mother land, known as *Kawthoolei*. They too are in a situation where aid is dwindling and livelihood opportunities non-existent.

Other ethnic areas of Burma remain food insecure and reliant on international aid, which is running out due to difficulties in reaching those in need due to the junta’s ongoing attacks. Through cycles of violent conflict over decades, the Burma military has been waging war against ethnic armed revolutionary organizations along Burma’s borderlands, which was most recently heavily focused on Rakhine State and has now shifted back to Karen and Kachin States. In Rakhine State, the humanitarian crisis – partly caused by conflict between 2018 – 2020, is becoming extreme and already before the coup over 100,000 Rakhine people were living in IDP camps. Rohingya and other Muslim minorities in Rakhine State continue to live in apartheid-like conditions resembling open-air prisons, confined to IDP camps, unable to move freely, and without access to basic necessities like food and adequate shelter.

Another pressing issue in Burma is the civic space. Martial Law has been imposed in some townships in two major cities while restrictions on freedom of movement have been increased. Civil

society and charity organizations' offices and homes of members have been raided, and members have been arrested. More than 1,276 arrest warrants have been issued, including for celebrities who have joined or shown their support to the people's movement. The junta has revived the death penalty and expanded a list of so-called crimes to charge and convict civilians by court martial. So far, 19 protesters have been sentenced to death.

Over 56 journalists have been arbitrarily arrested since February 1, 2021, and many media outlets have been banned by order of the junta. Civic space for free discourse has been effectively shut down, with the junta widening their efforts to stamp out free speech. For example, on April 8, 2021, the founder of local news outlet Mizzima and women's right activist, Thin Thin Aung was abducted from Yangon and taken to the notorious Yay Kyi Ai military interrogation center. In addition to this, Mizzima's offices were raided, with their computers and server taken and their journalism license revoked.

In addition to protesters and members of civil disobedience movement, journalists and civil society actors have also been forced into hiding, unable to continue their vital work. Some have not been so lucky, such as prominent woman's rights activist and director of Women For Justice, Ah Khu, who was gunned down and killed in a drive-by shooting by two plainclothes gunmen from the security forces during a protest in the small town of Kale in Chin State.

Many protesters, human rights activists and journalists have been seeking refuge in ethnic areas, in order to evade arrest. Naw Susanna Hla Hla Soe, the newly appointed Minister of Women, Youth and Children for the National Unity Government fled her home in the city after she heard security forces outside her home coming to arrest her. She then fled to Karen State where she had to flee a second time due to airstrikes. Many will look to fleeing the oppressive tactics of the Myanmar military and cross the border to neighboring countries to seek safety. These people will require support and protection from the international community. To make matters worse, all this is taking place during a global pandemic, where all efforts to manage COVID-19 have been stalled due to the illegal and brutal coup. The already strained poor health system has been crippled by the coup.

How Can the U.S. and International Community Help?

Under these dire conditions, how can the international community, and the United States government support and assist the people of Burma? One concrete action the international community can take is to cut the junta off financially. We are grateful to President Biden and his Administration for freezing U.S. \$1 billion in Burmese government assets, which the junta is not able to touch. However, many foreign businesses and investors continue to fund the illegal junta through their enterprises and affiliated businesses. Over 400 Myanmar CSOs sent two open letters to oil and gas giants Chevron and Total to halt payments to the Myanmar military, and hold these payments in a protected account until a legitimate, democratic government takes power. Currently the payments are being made to the Myanma Oil and Gas Enterprise, which falls under the Ministry of Electricity and Energy. However, since the coup, all government bank accounts are under the illegal control of the junta. We are deeply disappointed these companies have done nothing to support the people's calls to end payments to the junta and encourage this Congress, and the Biden Administration, to do more to pressure an end to any such payments funding the atrocities I have described today.

I wish to turn the Committee's attention to the legitimate interim government, the National Unity Government. The NUG was formed with the representation of 76% of elected MPs from the November 8, 2020 elections and participation of numerous ethnic political parties, ethnic armed revolutionary organizations, and mass protest movements. The will of the people is with the National Unity Government, as an interim body. All people, of all ethnicities and religions are calling for a genuine federal democracy that rejects all aspects of military involvement in politics as

well as the economy. For the junta to be stopped and for the National Unity Government to be assisted in their quest for federal democracy, this requires the recognition and staunch support from the international community in order to fulfill their mandate from the people to fully represent the Myanmar state and its people.

Therefore, we were disappointed in ASEAN's decision to not invite the legitimate government representing the people of Myanmar to its Special ASEAN Summit on Myanmar last month. Instead, the invitation to their meeting was extended to the leader of the coup, Senior General Min Aung Hlaing, who is sanctioned by the US and stands accused of committing the crimes of genocide, crimes against humanity and war crimes – evidence of which is laid out by the Human Rights Council mandated Independent International Fact-Finding Mission on Myanmar.

A five point “consensus” which was reached during the summit begins with the immediate cessation of violence in Myanmar. However, without the inclusion of the NUG representing the people of Myanmar, such “consensus” is contested. Furthermore, since the ASEAN summit, the Myanmar military has only intensified airstrikes in Karen and Kachin States, displacing thousands more. Over 41 airstrikes have been conducted against civilians in six days alone. The military has arrested nearly 100 people and issued a further 138 arrest warrants since the ASEAN meeting. This, coupled with the military's press release dated April 26 stating that it will only “give careful consideration to constructive suggestions made by ASEAN Leaders” indicates it will hold in total disregard the points it agreed to at the Jakarta Summit until it has brutally wiped out all opposition to its illegitimate power grab. The world must not be fooled by such empty agreements that further delay the real actions that people in Myanmar critically need.

Burma's civil society organizations and grassroots organizations, including the organization that I Chair - Progressive Voice - have been persistently pushing for the United Nations, particularly the Security Council and Secretary General, and the broader international community, to take collective action against the unlawful junta, such as an arms embargo, targeted sanctions on military businesses and affiliated businesses, and to recognize the National Unity Government. However, these calls have not yet been heeded. Progress on action has been too slow. Statements too many.

The military junta continues to act with ferocity and cruelty because of the decades of impunity that has been allowed to go unchecked. Thus, we strongly feel the situation in Burma must be referred to the International Criminal Court or an ad hoc tribunal be commissioned to hold the perpetrators to account and bring about justice for the victims and survivors of the junta's crimes, including the decades of atrocity crimes committed against ethnic peoples, as well as for the Rohingya genocide.

The people of Burma are calling for the Responsibility to Protect doctrine to be used for Burma to protect them from this ruthless junta. There is a complete lack of rule of law and lack of human security. In Burma, no one is safe. Civil society organizations are calling for coordination between the UN Security Council and UN Human Rights Council to send a joint delegation to monitor the situation and stop the violence across Burma. This is part of the international community's responsibility under the UN Charter – collective global peace and security and to protect against grave human rights violations. This external response is needed to support the internal people's movement on the ground, so the people of Burma can once and for all relinquish the military's power and end its violence, paving the way to realize a genuine federal democracy, that guarantees equality and self-determination and protection of human rights of all people in Burma.

I would like to convey to you what a colleague in Burma has shared with me:

"...external support forces may not come, like R2P. We the people of Myanmar have to fight guns by guns. There will be civil wars between the military junta and the civilians. Many young lives will be scarified in this revolution because the only option we have to remove the military totally

from the Myanmar politics is that we have to fight this junta with arms. At the present most of the protest leaders, who are now in military training at remote areas, are students, teachers, doctors, and many professionals. We have to lose some of them in the coming battles, but we cannot replace them easily in the post revolution."

The international community must act before further lives are lost and Burma becomes a complete failed state.

I want to instill this clear message. In order for the junta to be stopped and for democracy to prevail, the international community must unify against this illegitimate military junta and rally around the National Unity Government, recognizing their legitimacy – as mandated by the people. Urgent interventions and actions must be applied. The United States, through the legislative powers of this Committee and this legislative body, must play a key role in effectuating this outcome.

The Myanmar military fear the targeting of their economic interests and the possibility of being held to account for their crimes. The current UN Special Rapporteur on the Situation of Human Rights in Burma, and a former U.S. Congressman from Maine, Mr. Tom Andrews, has described the junta's violence as leading to crimes against humanity and urged for a coalition of states to cut off the flow of revenue and weapons to the junta. In this regard, the U.S. Government has been strategic in imposing targeted sanctions against military business interests, in particular the two military conglomerates (MEC and MEHL), as well as the Myanmar state-owned gems enterprise. We thank you for this. We hope the USG will take the further steps to stop the flow of oil and gas revenues to this junta. In addition, it is equally important and essential to impose a comprehensive embargo on the transfer or sale of military arms and equipment, including dual used goods. Finally, the U.S. Government must support international community's efforts to hold the junta to account by international law.

Mr. Chairperson, in closing I would like to once again thank you and the members of the committee for allowing me to testify on the gravely deteriorating situation in Burma and close with this: today's violence and atrocities is only possible because of a complete lack of accountability for the heinous crimes of the past. Their actions today speak clearly and loudly that this military enjoys blanket impunity that they are fully confident that they can do anything, no matter how horrendous it is. There can be no democratic and peaceful future for the people of Burma, without the military placed under civilian control, holding them accountable for their crimes and allowing the people to heal. Burma has been torn deeply. A proper healing process is needed to rebuild and move forward.

We have a long way to go. I have spent the past 32 years trying to bring about democratic change in Burma. I will continue to do all I can to the best of my capability. But I do know for sure from my life experience, that without your help – help from the international community – I am desperately worried that we may lose the last best chance that the people, so many of them young, have created by sacrificing their lives. I look forward to your wisdom and hope for concrete and swift actions. Thank you.