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March 12, 2014

Ban Ki-moon
Secretary-General
United Nations

Re: Burma's Military and UN Peacekeeping

Dear Mr. Secretary-General,

It has come to our attention that your Special Advisor on Myanmar, Vijay Nambiar, recently extended an invitation to the Burmese Defense Services Commander in Chief, Senior General Min Aung Hlaing, to consider contributing Burmese troops to United Nations peacekeeping operations. This offer raises serious human rights concerns.

The Burmese Defense Services, known as the Tatmadaw, have long been among the most abusive militaries in the world. For more than 25 years Human Rights Watch has documented widespread and serious violations of international humanitarian law and human rights law by the Tatmadaw, including extrajudicial executions, torture, rape and sexual violence, human shielding, use of child soldiers, and forced labor, among others.

Tatmadaw personnel responsible for abuses that amount to war crimes and crimes against humanity have not been held accountable, either for their direct participation in these atrocities or as a matter of command responsibility. Moreover, the 2008 Burmese Constitution, drafted and enacted by the military government at the time, provides immunity to the military for past crimes, helping to entrench a deeply rooted culture of abuse and impunity that permeates the force.

Despite positive signs of reform, the opening of Burma after decades of direct military rule, and a fragile ceasefire process with over 15 non-state armed groups, the Tatmadaw remains an unreformed force, as demonstrated in the places where hostilities continue. In Kachin State, for example, the military committed many abuses against Kachin civilians, as Human Rights Watch documented in a March 2012 [report](#) and later reporting.

The Burmese military's poor record on rights and civilian protection is profoundly at odds with the standards that UN peacekeepers are expected to defend around the world.

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Of particular concern is the Tatmadaw's continued use of child soldiers in violation of international law. After you listed the Tatmadaw in your reports to the Security Council on children and armed conflict as a "persistent perpetrator" for recruiting and using child soldiers, Burma in June 2012 signed an action plan with the UN. The government committed to ending its recruitment of child soldiers and releasing all children from its armed forces by the end of 2013. However, the government has failed to meet these commitments. Since the action plan was signed, very few children have been released from government forces, and the UN has continued to document the Tatmadaw's recruitment of children. Seeking Burmese forces' participation in UN peacekeeping operations while it maintains children in its ranks undermines both the UN's reputation and your Special Representative's efforts to end this shameful practice.

Inviting Burma to contribute troops to UN peacekeeping operations at this time is also inconsistent with the spirit of the UN's policy on human rights screening of UN personnel, which is intended to ensure that the UN not deploy individuals involved in human rights violations and to preserve the UN's reputation and integrity. The policy heavily relies on the troop-contributing country to certify that proposed peacekeepers have not committed or been accused of human rights violations. Considering the widespread serious abuses committed by the Burmese armed forces with impunity over many years, there is a high risk that the government's screening and attestations would fail to prevent human rights abusers from serving under the UN flag.

We urge you to carefully weigh these concerns before taking any step that would signal that the UN is ready to welcome Burmese forces under the UN flag, such as inviting Burmese military officials to attend UN training or orientation sessions.

We commend the important measures that you have taken in recent years to elevate human rights concerns within the UN system, such as the Rights up Front initiative, and are concerned that any efforts by the UN to encourage the participation of abusive Burmese forces in UN peacekeeping would undermine these efforts.

I would welcome the chance to discuss this issue with you or your office at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Roth', with a stylized, cursive script.

Kenneth Roth
Executive Director