

**Mandate of the Special Rapporteur on the situation of human rights in Myanmar**

Ref.: AL OTH 63/2025  
(Please use this reference in your reply)

5 June 2025

Dear Mr. Kyaw,

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights in Myanmar, pursuant to Human Rights Council resolution 58/20.<sup>1</sup>

I am an independent human rights expert appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a country-specific perspective. I am part of the special procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. I am sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information I have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

My specific mandate requires me to “monitor the situation of human rights in Myanmar” and to “make recommendations on additional steps necessary to address the ongoing crisis” in Myanmar.

On 20 September 2024, I wrote to the American Chamber of Commerce in Myanmar in a private letter requesting information about an event on 26 September 2024 that your organization hosted that was sponsored by the Ayeyarwady Farmer’s Development Bank (“A-Bank”). I did not receive a response to my letter.

The letter noted that “A-Bank” has played a role in facilitating business transactions that are in violation of U.S. sanctions, including the purchase of weapons and related materials by the Myanmar junta that have been used to commit probable war crimes and crimes against humanity in Myanmar. Specifically, in my report “Banking on the Death Trade: How Banks and Governments Enable the Military Junta in

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<sup>1</sup> Situation of human rights in Myanmar, Human Rights Council Resolution 58/20, U.N. Doc. A/HRC/RES/58/20, 4 April 2025.

Myanmar” I found that A-Bank was used to send nearly US\$1 million in payments for weapons and other supplies purchased by the State Administration Council from its partners abroad. In 2023, it also facilitated the import of over US\$2 million in raw materials and specialist tooling equipment on behalf of military-conglomerates Myanmar Economic Corporation and Myanmar Economic Holding Limited, both of which have been under U.S. sanctions since 2021.

In this connection, I would like to bring to your attention information I have received concerning **the American Chamber of Commerce in Myanmar and its ongoing relationship with financial institutions providing material support to the Myanmar military junta, including support that is in violation of U.S. policy.**

According to the information received:

The American Chamber of Commerce in Myanmar held its 8<sup>th</sup> Annual General Meeting on 30 May at the Melia Hotel Yangon. According to its website, the event was sponsored by Ayeyarwady Farmer Development Bank (“A-Bank”), a bank that my recent reporting has tied to the facilitation of weapons and weapons materials purchases by the junta and other sanctioned entities.

The American Chamber of Commerce in Myanmar also held an A-Bank-sponsored event on 26 September 2024.

According to its website, the American Chamber of Commerce in Myanmar was accredited by the U.S. Chamber of Commerce in August 2023. It also notes that it “maintains an active collaborative relationship with the Embassy of the United States in Yangon and other U.S. Government institutions”.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, and in order to ensure the accuracy of future reporting, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Does the American Chamber of Commerce in Myanmar have a position with respect to the transfer of weapons and weapons materials to Myanmar?
3. Does the Chamber have a policy with regards to members who engage in activities, such as the provision of weapons and related materials to the Myanmar junta, that violate U.S. policy?
4. Was the Chamber’s lack of response to my previous letter an oversight, or does it reflect an endorsement of member-companies providing

material support in the form of facilitating weapons purchases to the military junta?

5. Has the Chamber engaged in any advocacy to any part of the U.S. government on behalf of A-Bank or any other entity accused of facilitating the transfer of weapons and related materials to the Myanmar military junta?

I remain at your disposal for any clarifications related to this inquiry. I would appreciate a response to this correspondence, as this communication and any responses received may inform my reporting to the United Nations Human Rights Council.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please be informed that a letter on the same subject has also been addressed to the Government of the United States of America.

Please accept, Mr. Kyaw, the assurances of my highest consideration.

Thomas Andrews  
Special Rapporteur on the situation of human rights in Myanmar

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, I would like to draw your attention to the UN Guiding Principles on Business and Human Rights, which were unanimously endorsed in 2011 by the Human Rights Council in its resolution (A/HRC/RES/17/31) after years of consultations with governments, civil society and the business community. The guiding principles were established as the authoritative global standard for all states and companies to prevent and address the negative impacts of business on human rights. The guidelines are based on the recognition of:

- (a). “The existing obligations of States to respect, protect and fulfil human rights and fundamental freedoms;
- (b). the role of business enterprises as specialised bodies or companies performing specialised functions, which must comply with all applicable laws and respect human rights;
- (c). the need for appropriate and effective remedies for rights and obligations when they are violated”.

The guiding principle 1 reiterates the State's duty to "protect against human rights abuses by business enterprises on its territory and/or under its jurisdiction". The guiding principle 2 provides that States should make clear that all companies domiciled on their territory and/or under their jurisdiction are expected to respect human rights in all their activities. In addition, the guiding principle 3 reiterates that States must take appropriate measures to "prevent, investigate, punish and remedy such abuses through effective policies, laws, regulations and adjudication". In addition, it requires, among other things, that a State "provide effective guidance to business enterprises on how to respect human rights throughout their operations".

The UN Human Rights Council has stressed the importance of applying the guiding principles in Myanmar prior to the coup. In resolution 40/29 (2019), the Council encouraged “all business enterprises, including transnational corporations and domestic enterprises, to respect human rights in accordance with the UN Guiding Principles on Business and Human Rights.”

The need for companies to adhere to the UN guiding principles has only grown more urgent in the wake of the coup as the Myanmar military junta has made extensive use of aircraft to commit well-documented atrocity crimes against Myanmar civilians. Any companies facilitating the acquisition of weapons on behalf of the Myanmar military are at extremely high risk of violating these UN Guiding Principles. In addition, the UN Working Group on Business and Human Rights, in its report “A/75/212” on “business, human rights and conflict-affected regions: towards heightened action” urges home and host States to use their key policy tools and levers to ensure that businesses engage in conflict-sensitive heightened due diligence when operating in conflict-affected areas.

The guidelines also state that business enterprises have an independent responsibility to respect human rights. Principles 11 to 24 and 29 to 31 provide guidance to companies on how to fulfil their responsibility to respect human rights, including through human rights due diligence processes.

Two of the UN Guiding Principles have particular relevance for business entities providing arms and associated materials to the Myanmar military:

- (1). UN guiding principle 13 requires that business enterprises: “Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;” and “seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.”
- (2). UN guiding principle 17 states that in order to identify, prevent, mitigate and account for how the business addresses their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed.