***Accountability Needed for Gross Violations in Rakhine, Kachin, and Shan States***

After weeks of negotiations, the United Nations Human Rights Council passed a landmark resolution today ordering an independent, international fact-finding mission into allegations of human rights violations and abuses in Myanmar and, in particular, Rakhine State. Fortify Rights welcomed the resolution and encouraged the Myanmar government and authorities to fully cooperate with it.  
  
“We commend the Human Rights Council for this initiative. It’s long overdue,” said Matthew Smith, chief executive officer at Fortify Rights. “While this mission isn’t a silver bullet, it’s a welcomed and positive move toward prevention and accountability.”

The European Union initiated the resolution, which calls for the U.N. Human Rights Council to “dispatch urgently an independent international Fact Finding Mission . . . to establish the facts and circumstances of the alleged recent human rights violations by military and security forces . . . with a view to ensure full accountability for perpetrators and justice for victims.”  
  
The President of the Human Rights Council Mr. Joaquín Alexander Maza Martelli is mandated under the resolution to appoint experts to conduct the Fact-Finding Mission. The appointment process is expected to begin next month.

Most U.N.-mandated missions comprise three or five members with certain qualifications, skills, and expertise. At a minimum, the Office of the High Commissioner for Human Rights recommends the appointment of members who are independent and impartial, have substantial knowledge and experience in international human rights law, and are knowledgeable in human rights fact-finding and investigation principles, among other qualifications.  
   
Fortify Rights encourages the Government of Myanmar and authorities at the local, state, and national levels to cooperate fully with the mission, and for the Myanmar military to grant it unfettered access to all relevant areas and offices. Fortify Rights also encourages all residents of Rakhine State to cooperate with the mission.  
   
“We hope this mission will lead to an end to the atrocities long perpetrated in the country,” said Matthew Smith. “State security forces have committed horrific acts with impunity, and the government must reconcile with the truth and deal with perpetrators accordingly. This inquiry could help set Myanmar in the right direction.”  
   
The resolution calls upon the Fact Finding Mission to investigate rape, extrajudicial killings, torture, destruction of property, and other violations by state security forces, “in particular in Rakhine State.”  
   
Since October, Fortify Rights documented how Myanmar state security forces in northern Rakhine State committed extrajudicial killings of ethnic Rohingya Muslims, including of infants and children, raped and gang-raped ethnic women and girls, looted property, and razed entire villages, including religious structures and food stocks.    
   
In [testimony presented during a hearing before the U.S. Congress](http://fortifyrights.us10.list-manage.com/track/click?u=f15b18127e37f74088063b773&id=f53ce414ba&e=b88225b0e0" \t "_blank) last week, Fortify Rights stated: “State security forces carried out these violations in a consistent manner in disparate locations, indicating the systematic nature of the attacks. Fortify Rights believes this indicates that the soldiers’ actions were not spontaneous and were likely based on guidance or orders.”  
   
During the hearing, Fortify Rights and partners urged members of Congress and the Trump Administration to support the call for an inquiry in the resolution at the Human Rights Council. The U.S. was a co-sponsor of the resolution.  
   
Apart from recent violence in northern Rakhine State, the Government of Myanmar continues to confine more than 120,000 people, mostly Rohingya, to more than 40 squalid internment camps in eight townships in Rakhine State, where detainees face avoidable deprivations in aid and basic services. The authorities continue to deny more than one million other Rohingya in northern Rakhine State equal access to full citizenship rights, and subjects them to daily restrictions that violate their human rights.

U.N. Special Rapporteur Yanghee Lee and the Office of the High Commissioner for Human Rights have said that human rights violations perpetrated by Myanmar state security forces against Rohingya Muslims in Rakhine State may amount to crimes against humanity.  
   
Fortify Rights recommended that the Fact Finding Mission draw on existing U.N. data about human rights violations in Rakhine State, including detailed information in operational U.N. databases. The mission should travel to all affected areas of Rakhine State as well as Bangladesh and Malaysia, where hundreds of thousands of Rohingya refugees and survivors are located.  
   
Rakhine Buddhists have also faced human rights violations in Rakhine State for decades, including most recently [forced labor](http://fortifyrights.us10.list-manage.com/track/click?u=f15b18127e37f74088063b773&id=749016f58c&e=b88225b0e0" \t "_blank) committed by the Myanmar Army and [arbitrary arrest and detention](http://fortifyrights.us10.list-manage.com/track/click?u=f15b18127e37f74088063b773&id=9cc0de17c3&e=b88225b0e0" \t "_blank). The Fact Finding Mission should also investigate human rights violations and abuses against Rakhine Buddhists and other communities in Rakhine State, Fortify Rights said.  
   
Fortify Rights encouraged the Fact Finding Mission to also investigate human rights violations in Kachin and northern Shan states—which would be permitted through its mandate—where the Myanmar Army is engaged in armed conflict with non-state ethnic armies. Fortify Rights and Kachin and Shan civil society organizations have [documented the widespread use of torture](http://fortifyrights.us10.list-manage1.com/track/click?u=f15b18127e37f74088063b773&id=278e78aa9d&e=b88225b0e0" \t "_blank), rape, extrajudicial killings, the use of human shields, and other human rights violations by Myanmar Army soldiers in the conduct of the war since at least June 2011.  
   
The Fact Finding Mission will present an oral update at the 36th session of the Human Rights Council and a full report at the 37th session of the Human Rights Council.  
   
The U.N. resolution comes in response to numerous calls for an international inquiry into human rights violations in Rakhine State from Myanmar civil society, international human rights organizations, and senior U.N. officials over the last several months and years.  
   
For example, on January 18, 40 Myanmar-based civil society organizations called for a [“truly independent” international investigation](http://fortifyrights.us10.list-manage.com/track/click?u=f15b18127e37f74088063b773&id=ef9b1fbc41&e=b88225b0e0" \t "_blank) into the situation in Rakhine State—a rare rebuke to government-led efforts in Rakhine State. In December, [Nobel Laureates and global leaders](http://fortifyrights.us10.list-manage.com/track/click?u=f15b18127e37f74088063b773&id=824adcb9cf&e=b88225b0e0" \t "_blank) called for an international inquiry; in February, the U.N. High Commissioner for Human Rights called for [at least a Commission of Inquiry](http://fortifyrights.us10.list-manage1.com/track/click?u=f15b18127e37f74088063b773&id=d22cb34953&e=b88225b0e0" \t "_blank); on March 3, Fortify Rights and 12 international human rights organizations called for an [international inquiry](http://fortifyrights.us10.list-manage.com/track/click?u=f15b18127e37f74088063b773&id=4b9105b70c&e=b88225b0e0" \t "_blank), at a minimum, into human rights violations in Rakhine State; and on March 13, U.N. Special Rapporteur Yanghee Lee called for [a Commission of Inquiry](http://fortifyrights.us10.list-manage1.com/track/click?u=f15b18127e37f74088063b773&id=49a1f5440b&e=b88225b0e0" \t "_blank) into human rights violations against Rohingya in her report to the Human Rights Council.  
   
In October 2015, Fortify Rights and the Allard K. Lowenstein International Human Rights Clinic at Yale Law School called on the U.N. Human Rights Council to [adopt a resolution mandating an international inquiry](http://fortifyrights.us10.list-manage.com/track/click?u=f15b18127e37f74088063b773&id=9bdae2464e&e=b88225b0e0" \t "_blank) to assess the totality of the situation in Rakhine State, including human rights violations against Rohingya Muslims and Rakhine Buddhists.  
   
“Myanmar authorities should view the Fact Finding Mission as a tool to uncover the truth and help the country better protect human rights," said Matthew Smith. "Until these violations are addressed, political reform and development in the country will remain stifled.”  
   
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