

International Kachin Community Supports Fact-Finding Mission's Call to Refer Burma to the ICC

3 September, 2018 – We, the International Kachin Community, welcome the August 27 report of the Independent International Fact-Finding Mission on Burma [Myanmar] and support its recommendations. The Fact-Finding Mission found evidence of “genocidal intent” in relation to Rakhine State and “crimes against humanity” and “war crimes” in the systematic patterns of human rights violations occurring in Kachin and Shan states.

The report makes the case that top figures in the Burmese military's [Tatmadaw's] chain of command—including the Commander-in-Chief Senior-General Min Aung Hlaing—should be brought before the International Criminal Court (ICC) or an ad hoc special criminal tribunal should be set up to determine their liability for genocide.

Today's verdict sentencing the two Reuters reporters to 7 years in prison for their investigative journalism is outrageous and another overwhelming reason pointing to an utter lack of rule of law in Burma and why a domestic mechanism will not bring truth and justice.

Therefore, we urge the following actions:

Stop violence by holding the Burmese military accountable

The Fact-Finding Mission's conclusions affirm that the Burmese military's operations in ethnic areas are “characterized by systematic attacks directed at civilians.” Military offensives cause a range of human rights violations, including “killings, sexual violence, arbitrary arrest and detention, enforced disappearances, forced labour, land grabbing, and the burning of villages.” The findings confirm the veracity of the documentation that grassroots human rights organizations have been conducting for many years.

The military remains the strongest institution in Burma, and it can be expected to use its power to block the functioning of any and all domestic justice mechanisms. We believe that the Military must be held accountable for the crimes of which it is accused through transparent and accountable international mechanisms, up to and including the International Criminal Court or an ad hoc special criminal tribunal.

Recognize the NLD government's denial, failings and complicity

State Counsellor Aung San Suu Kyi has made calls for independent investigation into accusations of human rights violations in Burma. However, on the day the Fact-Finding Mission's report went public, her spokesperson stated to the media: “*Our stance is clear, and I want to say sharply that we don't accept any resolutions conducted by the Human Rights Council.*” This has made it apparent to us that the NLD government is refusing to acknowledge the true gravity of the situation in the country.

To date, domestic mechanisms implemented by Aung San Suu Kyi's National League for Democracy (NLD) government have failed to deliver any independent or substantive result, indicating both a lack of power and political will to enforce any accountability for the grave human rights abuses committed in Burma. Rosario Manalo, the chairperson of a commission

of inquiry established by the State Counsellor, told media in August that the panel would engage in “*no blaming of anybody, no finger-pointing of anybody.*”

Such commissions formed by the NLD government will only further enable the Military to continue its decades-long pattern of committing atrocities with impunity. We have lost trust and confidence in both the State Counsellor and the NLD government. They have not only failed to protect ethnic and religious minorities—by failing to seek international and independent mechanisms available to stop the military, they have enabled the Military to continue its campaign of terror against these communities.

Demonstrate international solidarity through political and economic justice

Our people require more than lip service from our allies: we implore countries around the world to adopt comprehensive sanctions against the Burmese state as well as imposing an arms embargo.

International mechanisms for accountability such as those outlined in the Fact-Finding Mission’s report are necessary to end this impunity, to hold perpetrators to account, and to provide long-awaited justice to the victims. Members of the international community—including the UK and EU member countries, namely Germany and France as well as China and Russia as the permanent members of the UNSC—must demand and provide support for a transparent and accountable international mechanism to confront this issue.

For survivors of human rights violations, steps must be taken to set up a trust fund, in consultation with the victims, to provide reparations, psychosocial support and other assistance.

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