



UN Human Rights Council creates a mechanism on Myanmar to gather evidence and prepare files for prosecution of Mass Atrocity Crimes

(Geneva 27 September 2018) Asian Forum for Human Rights and Development (FORUM-ASIA), Equality Myanmar, Progressive Voice, Women’s Peace Network-Arakan, Kachin Women’s Association Thailand, and Rohingya Women Welfare Society welcome the UN Human Rights Council’s resolution today on Myanmar as an important landmark in the quest for justice and accountability. The resolution creates a new mechanism to collect and preserve evidence, and prepare case files on perpetrators of mass atrocities for use in future criminal proceedings. The resolution follows a report by the Council’s Fact Finding Mission on Myanmar, which calls for the investigation and prosecution of the Myanmar military for genocide, crimes against humanity and war crimes.

“The establishment of a UN body to prepare files for prosecution and to collect evidence of mass atrocity crimes is a ray of hope for victims and survivors of horrific atrocities in Myanmar,” said Wai Wai Nu of Women’s Peace Network-Arakan. This is will ensure that these crimes and perpetrators are not forgotten and strengthen the hope for actual trial and prosecutions in the near future,” she added.

The resolution condemns gross violations and recalls the authority of the Security Council to refer Myanmar to the International Criminal Court (ICC) and takes note of the ICC decision that it may exercise jurisdiction on the deportation of Rohingyas from Myanmar to Bangladesh. “Now the logical next step is for the UN Security Council to take the cue from the Human Rights Council and urgently refer Myanmar to the International Criminal Court so that it could examine the full spectrum of mass atrocity crimes committed in Myanmar,” said Khin Ohmar of Progressive Voice. “The longer the Security Council waits, the longer justice will be denied,” she added.

The resolution’s calls for accountability addresses gross violations all over Myanmar including in Rakhine, Kachin and Shan states. “The resolution’s inclusive call that covers egregious violations in Kachin and Shan states comes at a time when these regions face ongoing armed conflict amidst failing peace talks and atrocities on civilians by the Myanmar military,” said Stella Naw, a Kachin woman activist. “There is an urgent need for the international community to act towards ending conflict and taking steps to hold those accountable,” she added.

The resolution also encourages the UN to independently inquire into its own involvement in Myanmar since 2011. This follows the Fact-Finding Mission’s observation that UN actors in Myanmar prioritised development and quiet diplomacy while ignoring human rights concerns when mass atrocities took place. “UN Secretary General Antonio Guterres’ silence on this observation is deafening. He must act immediately to set up an inquiry to review and rectify the UN’s system-wide engagement in Myanmar,” said R. Iniyon Ilango of FORUM-ASIA. “This is not the first time this has been said about the UN’s role in situations of mass atrocities. The same observation was made six years ago on Sri Lanka by a UN internal inquiry. The Human Rights Upfront Action Plan was created following this and was meant to be operational in Myanmar when gross violations unfolded. Clearly something is very wrong within the UN system,” he added.

The resolution also appeals to all states and stakeholders to assist victims including through a possible trust fund. “This is key and the UN General Assembly should act on this appeal and set up a trust fund to provide livelihood and psychosocial support to victims,” said Wai Wai Nu. “In addition to such support, the General Assembly should also stipulate that refugees are not returned unless their citizenship rights, safety and equality are fully guaranteed and security upon their return is supervised by UN Human Rights bodies,” she added.

The resolution also calls on all business enterprises to cooperate with the new mechanism it creates. The Fact-Finding Mission’s findings highlighted the impact of social media on the mass atrocities that took place in Myanmar. It particularly focused on Facebook’s role as a medium for the spread of hate speech. “Facebook should fully commit to handing over all evidence it holds on incitement to atrocities to the new mechanism and it should take immediate steps to prevent the spread of hate speech on its platforms,” said John Samuel of FORUM-ASIA.

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For more information contact:

- R. Iniyah Ilango, UN Advocacy Programme Manager, FORUM- ASIA: iniyan@forum-asia.org
- Khin Ohmar, Chairperson, Advisory Board, Progressive Voice: khinohmar@progressive-voice.org