

Rushanara Ali MP



HOUSE OF COMMONS

LONDON SW1A 0AA

Rt. Hon Theresa May MP
10 Downing Street
London
SW1A 2AA

30 August 2018

Dear Prime Minister,

We are writing to you regarding the Rohingya crisis, which the United Nations fact-finding mission has concluded constitutes intent to commit genocide. This is the most serious of all possible violations of international law. We must do everything within our power to hold those responsible to account. Therefore, we request that you support all of the recommendations of the fact finding mission, including a referral of Burma to the International Criminal Court.

We can be proud of the leadership role that Britain has played so far in the humanitarian response to the crisis. We have led the world in providing humanitarian aid and mobilising others to do the same. At the United Nations Security Council, we have secured an unprecedented number of discussions and statements and led a delegation to Burma and Bangladesh.

Yet, UN Security Council requests for action on issues such as justice and accountability, on creating the conditions for safe return of refugees, on humanitarian action, and on implementation of the Rakhine Advisory Commission recommendations, have all either been ignored, or agreements have not been honoured, by the government of Burma.

We are concerned by the Foreign Office response to the UN fact finding report released on 27 August. Rather than endorsing the recommendations, including for a referral to the International Criminal Court, the Foreign Office appears to contradict them in continuing to support the new enquiry established by the government of Burma. The UN fact finding mission stated: "Expecting justice and truth from any Myanmar domestic process is simply naive." They concluded that the civilian authorities were complicit in what took place and stated: "The impetus for accountability must come from the international community."

Burma's civilian government and the military continue to deny that large-scale human rights violations took place. The government inquiry remit does not include human rights violations committed by the military outside of Rakhine State. This means that there is not even an attempt at a charade of an inquiry, regarding what the UN fact finding mission says constitutes crimes against humanity and war crimes against ethnic people in Kachin State and Shan State.

Justice and accountability is a key element towards ensuring the safe return of more than a million Rohingya refugees now in Bangladesh. To date, Min Aung Hlaing, the head of the military, has paid

Labour Member of Parliament for Bethnal Green and Bow

Tel: 020 7219 7200 Fax: 020 7219 5493

E-mail: rushanara@rushanaraali.org

Twitter: @rushanaraali

www.rushanaraali.org



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no price for what he has done. The United Nations has detailed how the military offensive against the Rohingya in August 2017 was premeditated and carefully planned. The lack of action in response to the military offensive against the Rohingya in October 2016 may have played a role in his decision to launch this offensive. In paying no price, even when he commits genocide, there is significant danger that Min Aung Hlaing will believe he can get away with committing further atrocities. It will never be safe for the Rohingya to return to Burma as long as Min Aung Hlaing believes the international community will allow him to get away with the slaughter, rape, torture and displacement of Rohingya on such a scale that it constitutes genocide.

British government support for the UN fact finding mission recommendation for the establishment of a mechanism for collecting evidence for future prosecutions should be in addition to support for an International Criminal Court referral, rather than instead of. Backing the mechanism without supporting an International Criminal Court referral is the equivalent of resorting to Plan B without even trying Plan A.

Nor should the decision by the International Criminal Court over jurisdiction for the crime of deportation to Bangladesh be used as an excuse for delay. This decision only covers crimes relating to deportation, not the full breadth of crimes under the definitions of crimes against humanity and genocide. Nor will it cover the crimes committed against other ethnic groups, particularly most recently in Kachin and Shan States, which the UN determined constitute war crimes and crimes against humanity.

We are aware that there is a potential danger that a resolution referring Burma to the International Criminal Court could be vetoed by China. However, such a risk has not prevented investigations into other human rights violations, such as those in Syria.

We believe that every effort must be made to try to overcome potential opposition, and that Britain should use its leadership position to ask for every nation, in Europe, the Americas, Asia and Africa, to support a referral. Support must be sought and secured from international bodies such as the European Union, African Union and Originations of Islamic Co-operation.

Even before a resolution for a referral is sought, the building of such an international coalition would send a clear message to Min Aung Hlaing and his generals that the world is not prepared to stand by whilst his military commits genocide, crimes against humanity and war crimes. Ending his sense of impunity will help to prevent further atrocities.

We are aware of the complexities in addressing the Rohingya crisis and that there are no easy solutions. However, a crime as serious as genocide cannot be allowed to stand without even attempting to ensure that the International Criminal Court can try to hold those responsible to account.

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We note that there have been statements from ethnic communities suffering from human rights violations by the Burmese military, including from the Rohingya, the Kachin, and the Karen, calling for the UN Security Council to refer Burma to the International Criminal Court.

The victims of violations of international law are looking to us to perform our duty to uphold those laws. The United Nations is asking us to act on their behalf. We must not let them down.

We look forward to your response.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Rushanara Ali'.

Rushanara Ali MP

Co-chair of the All-Party Parliamentary Group on Democracy in Burma and Co-chair of the All-Party Parliamentary Group on the Rights of the Rohingya

Cc Rt. Hon Jeremy Hunt MP Mark Field MP

Ann Clwyd MP, Chair of All-Party Parliamentary Group on Human Rights Group (PHRG)

Anne Main MP, Co-chair of the All-Party Parliamentary Group on the Rights of the Rohingya and Chair of All-Party Parliamentary Group on Bangladesh

Baroness Goudie, Vice-Chair of All-Party Parliamentary Group on Democracy in Burma

Baroness Kinnock of Holyhead, former Chair of All-Party Parliamentary Group on Democracy in Burma

Baroness Northover, Vice-Chair of All-Party Parliamentary Group on Democracy in Burma

Catherine West MP, Vice-Chair on the Rights of the Rohingya

Imran Hussain MP, Vice-Chair on the Rights of the Rohingya

Jim Fitzpatrick MP, Vice-Chair on the Rights of the Rohingya

Khalid Mahmood MP, Vice-Chair on the Rights of the Rohingya

Nic Dakin MP, Vice-Chair on the Rights of the Rohingya

Lord Alton of Liverpool, Vice-Chair of All-Party Parliamentary Group on Democracy in Burma

Labour Member of Parliament for Bethnal Green and Bow

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Twitter: @rushanaraali

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