

## **JOINT STATEMENT**

### **FRANCE: ENSURE UN SECURITY COUNCIL REFERS THE SITUATION IN BURMA/MYANMAR TO THE INTERNATIONAL CRIMINAL COURT**

**84 Rohingya, Kachin and Karen Groups worldwide call on the French government to ensure UN Security Council refer the situation in Burma/Myanmar to the ICC for genocide, crimes against humanity and war crimes.**

**March 5, 2019**

We, the undersigned Rohingya, Kachin and Karen organisations worldwide, call on the French government to act to hold Burma/Myanmar military accountable for genocide against Rohingya in Rakhine and crimes against humanity and war crimes in Rakhine, Kachin and Shan States.

Ensuring accountability and justice is a precondition for the safe, voluntary and dignified return of refugees and internally displaced persons (IDPs) to their origin and an imperative to end the cycle of violence and impunity that Burma/Myanmar military has enjoyed for decades. The people of Burma/Myanmar suffer from unspeakable crimes with no perspective of access to internal justice.

Today, we call on France, which holds the presidency of the United Nations Security Council in March 2019, to undertake concrete action in compliance with its statements.

On September 20, 2017, French President Emmanuel Macron expressed the hope that the international community would condemn the « genocide » against Rohingya people. He was among the first to use this qualification. He declared that France would take the initiative along with its partners at the Security Council and that he hoped the international community would act positively. In the course of November 2017, a draft resolution was initiated by France and Britain. Opposed by China and Russia, it failed to be adopted and the Security Council issued a presidential statement instead.

When the conclusions of the UN mandated Fact-Finding Mission (FFM) were first made public in August 2018, France declared itself extremely concerned as the charges of genocide, crimes against humanity and war crimes, which fall under the jurisdiction of the ICC, could be retained against the Burma/Myanmar military.

France called for the international community to thoroughly support an initiative aiming at gathering and preserving evidence of the crimes and to act in order to hold perpetrators to account. On August 28, 2018, France also declared that it was «*working with its partners, notably in the Security Council and in Human Rights Council, in order that all the consequences be drawn out from the conclusions of the FFM.*»

In compliance with this statement, France provided support to the establishment of an independent investigative mechanism for collecting evidence and preparing files for future prosecutions, voted by the Human Rights Council. Yet, we believe this support should be in addition to action to bring the perpetrators of the crimes to justice. The FFM has indeed concluded that « *the impetus for accountability must come from the international community*».

The decision by the ICC over jurisdiction for the crime of deportation of the Rohingya to Bangladesh does not cover all the crimes under the definitions of genocide and crimes against humanity, nor does it cover the crimes committed against other ethnic communities. The FFM report brought to light the crimes against humanity and war crimes committed against other minorities in Kachin and Shan States.

Ensuring the Security Council acts on its mandate to refer Burma/Myanmar military to ICC therefore remains essential for any country outlining the importance of accountability and justice in Burma/Myanmar.

Yet, on September 24, 2018, France was still acknowledging to some point the new commission of enquiry established by the Burma/Myanmar government, instead of dismissing it completely for its lack of independence and impartiality and lack of mandate to address accountability.

Following the briefing by the FFM to the Security Council in October, a draft resolution was presented by Britain; however, we are dismayed to learn that this initiative did not achieve enough support to proceed for voting.

Whilst fully aware that any resolution, notably one which refers the situation in Burma/Myanmar to the ICC, could be vetoed by China and Russia; this has not prevented, with the same information at their disposal, countries such as Canada, the Netherlands and Sweden officially supporting a referral to the ICC by the Security Council. The gravity of the crimes under consideration demands such an official stand without further delay. It is the only act to be performed by France during its presidency of the Security Council, in view of the impact of its words and statements.

The victims of violations of international law are looking to the international community to perform its duty to uphold this law. There is an imperative to act on their behalf : supporting an ICC referral by the Security Council, in adopting the recommendations of the FFM, is to stand with the victims whilst at the same time sending a strong message to the perpetrators of the crimes they cannot enjoy impunity.

We therefore call on France to take a strong and firm stand for justice and accountability in Burma/Myanmar, as have done other countries. This stand should be followed by concerted efforts to ensure that the Security Council refers Burma/Myanmar to ICC. In addition, we call on France to exercise universal jurisdiction to hold the perpetrators of these crimes to account.

**This joint statement is endorsed by:**

**Rohingya Community Worldwide**

1. Arakan Rohingya Development Association – Australia (ARDA)
2. Arakan Rohingya National Organisation (ARNO)
3. British Rohingya Community in UK

4. Burmese Rohingya Association in Queensland-Australia (BRAQA)
5. Burmese Rohingya Association Japan (BRAJ)
6. Burmese Rohingya Community Australia (BRCA)
7. Burmese Rohingya Community in Denmark
8. Burmese Rohingya Organisation UK (BROUK)
9. Canadian Burmese Rohingya Organisation
10. Canadian Rohingya Development Initiative
11. Myanmar Ethnic Rohingya Human Rights Organisation in Malaysia (MERHROM)
12. Rohingya Advocacy Network in Japan
13. Rohingya American Society
14. Rohingya Arakanese Refugee Committee
15. Rohingya Association of Canada
16. Rohingya Community in Finland
17. Rohingya Community in Germany
18. Rohingya Community in Sweden
19. Rohingya Community in Switzerland
20. Rohingya Organisation Norway
21. Rohingya Society Malaysia (RSM)
22. Rohingya Society Netherlands
23. Rohingya Women Development Network (RDWN)
24. Burmese Rohingya Community of Wisconsin (BRCW)

#### **Kachin Community Worldwide**

25. Kachin American Association
26. Kachin Association Norway
27. Kachin Community in Czech Republic
28. Kachin National Organisation (Worldwide)
29. The Kachin Relief Fund in UK
30. Kachin Refugee Committee Malaysia
31. Kachin Community Germany
32. Kachin Literature and Culture (JLH) Singapore
33. Kachin Literature and Culture (JLH) Japan
34. Kachin Rights International Australia

#### **Karen Community Worldwide**

35. Australia Karen Organization (AKO)
36. Denmark Karen Organization
37. European Karen Network (EKN)
38. Finland Karen Culture Association
39. International Karen Organization (IKO)
40. Karen Community of Canada (KCC)
41. Karen Community in Norway (KCN)
42. Karen Environmental and Social Action Network (KESAN)
43. Karen Grassroots Women Network (KGWN)
44. Karen National Community – the Netherlands
45. Karen Organization of America (KOA)
46. Karen Peace Support Network (KPSN) Right Based Advocacy group
47. Karen Student Networking Group (KSNG)
48. Karen Swedish Community (KSC)
49. Karen Women's Organisation (KWO)
50. Karen Office for Relief and Développement (KORD)
51. Korea Karen Organisation (KKO)

52. Min Lwin Environmental Conservation Group (MLGCG)
53. Karen Community Association – UK (KCAUK)
54. New Zealand Karen Association Incorporated (NZKA)
55. Karen Community of Toronto (KTC)
56. Calgary Karen Community Association (CKCA)
57. Karen Community of Lamington (KCL)
58. Karen Community of Winnipeg (KCW)
59. Karen Community of Regina (KCR)
60. Karen Society of Nebraska – Lincoln
61. Karen Community Society of British Columbia (KCSBC)
62. Karen Thai Group (KTG)
63. Oversea Karen Organization (Japan)
64. Israel Karen Organization
65. Karen Community of Hamilton (KCH)
66. Karen Youth of Toronto (KYT)
67. Karen Association of Huron South Dakota (KAHSD)
68. Karen Community of Thunderbay (KCT)
69. Karen Community of Saskatoon (KCS)
70. Edmonton Karen Community Youth Organization (EKCYO)
71. Karen Community of Windsor (KCW)
72. Karen Community of Kitchener (KCK)
73. Karen Community of London (KCL)
74. United National Democratic Organization (UNDO)
75. Karen National Union Concern Group
76. Malaysia Karen Organization (MKO)
77. Karen Refugee Committee (KRC)
78. Burma Medical Association (BMA)
79. Backpack Health Worker Team (BPHWT)
80. Mae Tao Clinic (MTC)
81. Harmony Youth Association
82. Thwee Community Development Network
83. Karen River Watch (KRW)
- And 84. Burma Human Rights Network (UK)**

**For more information, please contact :**

- **Tun Khin, President, Burmese Rohingya Organisation UK**  
[+44 \(0\) 7888 714 866](tel:+44207888714866) (UK) [tunkhin80@gmail.com](mailto:tunkhin80@gmail.com)
- **Hkanhpa Sadan, Foreign Secretary, Kachin National Organization**  
[+ 44 \(0\) 7944 240 774](tel:+44207944240774) (UK) [hsadan08@googlemail.com](mailto:hsadan08@googlemail.com)
- **Naw Wahkushee, Coordinator, Karen Peace Support Network**  
[+66 \(0\) 861 182 261](tel:+6620861182261) (Thailand) [kpsn14@gmail.com](mailto:kpsn14@gmail.com)
- **Saw Greh Moo, Karen Community of New Bern**  
[+ 1 \(252\) 571 7634](tel:+12525717634) (United States)

**This Joint Statement has been translated into [French](#).**