



Special Advisory Council for MYANMAR

New SAC-M Briefing Paper: The ICC Can End the Myanmar Military's Impunity

15 December, 2022

The International Criminal Court (ICC) can and must end the Myanmar military's impunity urgently, said the Special Advisory Council for Myanmar (SAC-M). Human rights atrocities in Myanmar, which have continued to escalate throughout 2022, will persist until and unless the military is held accountable. A new briefing paper on Myanmar and the ICC was published today by SAC-M.

"The human rights situation in Myanmar deteriorated even further this year," said Yanghee Lee of SAC-M. **"Min Aung Hlaing and his generals will continue inflicting atrocities on the people of Myanmar until they are stopped. The international community must do everything possible to bring them to justice at the ICC."**

The briefing paper, [Myanmar and the International Criminal Court](#), published by SAC-M, gives a short explanation of the ICC, the ways in which the ICC gains jurisdiction over crimes in different countries, and how the ICC investigates crimes and prosecutes individuals.

The paper concludes that the ICC has jurisdiction in relation to Myanmar as a whole, dating back to 2002, and that the international community has a responsibility to ensure that the leaders of the Myanmar military are prosecuted for genocide, crimes against humanity and war crimes without further delay.

"We have been calling for Min Aung Hlaing and his generals to be prosecuted for genocide, crimes against humanity and war crimes since 2018, when the UN Fact-Finding Mission completed its examination of the military's violations in Rakhine, Kachin and Shan States," said Chris Sidoti of SAC-M. **"Because of a legal declaration by Myanmar's National Unity Government, the ICC has jurisdiction over genocide, crimes against humanity and war crimes committed in Myanmar. The international system, including the ICC, cannot let another year slip by without justice for Myanmar."**

In 2019, the ICC opened an investigation into crimes relating to the forced deportation of the Rohingya from Myanmar's Rakhine State. However, the investigation is limited to only those crimes with a cross-border element. So, it does not cover the full extent of the alleged crimes perpetrated against the Rohingya, including genocide.



info@specialadvisorycouncil.org



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SAC-M's briefing paper explains the legal grounds for the ICC's investigation to extend to all crimes perpetrated by the military against the Rohingya, and also to all crimes in the Rome Statute perpetrated against civilians throughout Myanmar since 2002. They include crimes perpetrated for many years against ethnic minorities throughout the country, and crimes perpetrated against civilians more broadly and particularly following the attempted coup of February 2021.

"Why are the victims of Myanmar's barbaric military being forced to wait when there are routes to justice available now?" Marzuki Darusman of SAC-M asked. **"The ICC was established to hold to account those individuals accused of the gravest crimes. If the ICC cannot act now to hold the leaders of the Myanmar military to account, then it has lost its way."**

Download the SAC-M Briefing Paper: Myanmar and the International Criminal Court, here: <https://bit.ly/3BFMY3w>

