



BULLETIN

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MESSAGE FROM THE HEAD OF THE MECHANISM

The conflict in Myanmar continues to intensify and spread across the country, resulting in ever-increasing suffering inflicted upon the civilian population. People of various ethnic groups and religions have been injured and killed in their homes, schools and places of worship. Villages have been burned and houses destroyed. Thousands have been arrested and killed or tortured in detention. In the past six months, over three million people were forced to flee their homes.

The Mechanism is closely monitoring attacks on civilians across the country, including in the recent upsurge in fighting between the Myanmar military and the Arakan Army in Rakhine State. We are speaking to victims and witnesses of violent events and analyzing information that we have received to assess if crimes against humanity or war crimes have been committed. From the violence and destruction of property in Buthidaung Township to the alleged torture and killing of more than 70 people in Byaing Phyu village, we are looking at potential crimes committed regardless of the ethnic group or affiliation of the perpetrators or the victims.

Conducting our investigations without access to crime scenes is an enormous challenge. The Myanmar military has ignored numerous requests from the Mechanism for access to the country and specific information. We recently issued a [statement](#) on our latest request for information concerning the capture and burning alive of two young men in Magway Region, in the hope that publicizing a request about such a heinous crime might lead to a response.

Without access to Myanmar and with regular internet blackouts that restrict the flow of information from affected areas, the Mechanism relies to a great extent on courageous civil society organizations to provide us with information about crimes and connect us to witnesses. At our second Civil Society Dialogue last month, representatives of organizations shared their challenges securing funding, recruiting staff and dealing with their own trauma amid increased threats to their security. We noted their recommendations on how the Mechanism could better respond to the realities on the ground, and we are currently assessing what modifications we might make to our working methods.

The Mechanism is grateful to everyone who shares evidence and testimonies with us. We use this information to objectively investigate and to build criminal cases against those perpetrators most responsible for serious international crimes. This includes crimes committed by Myanmar security forces and members of armed groups. Just as we are sharing evidence with those working on ongoing cases concerning the Rohingya at the International Criminal Court, the International Court of Justice and in Argentina, I am optimistic that the evidence we collect and analyze of other crimes will one day be used to bring justice for the people of Myanmar.



Nicholas Koumjian

INSTITUTIONAL UPDATE

The Mechanism is funded from the United Nations (UN) regular budget approved by the General Assembly on an annual basis which ensures that Mechanism has the necessary resources, personnel and expertise to carry out its mandate. In 2023, the UN faced its worst financial shortfall in years due to a number of Member States not paying their full dues in a timely manner. This cash flow crisis has led to restrictions in spending. As a result, the Mechanism received significantly less funding than the budget that Member States approved for 2024. Given the escalating conflict in Myanmar, these funding limitations come at a time when the Mechanism's workload is only increasing.

A number of regular budget positions have had to remain vacant, and some travel has been curtailed to manage costs. The Mechanism prioritizes interviewing witnesses in person to ensure interviews are accurate, free of any potential allegations of outside influence and are conducted to high standards that preserves the integrity of the testimony. Travel cuts have therefore greatly impacted the gathering of crucial evidence from certain witnesses.

In light of these financial challenges to its regular budget, the Mechanism continues to actively seek voluntary contributions from Member States for discrete projects and highly specialized expertise. The Mechanism is grateful for the financial support provided by several Member States to its Trust Fund and welcomes similar contributions from others.

OPEN SOURCE INVESTIGATIONS

The Mechanism's team of open source investigators and analysts collect and analyze a range of publicly available material found online, including videos, photographs, audio recordings, official pronouncements and informal accounts of events on social media platforms and in the press. They also examine non-public digital information received from witnesses and other sources. This digital evidence can generate new investigative leads or lines of inquiry, corroborate witness statements and help build cases.

The task of authenticating and verifying digital evidence has become increasingly complex with advances in artificial intelligence (AI). The Mechanism's open source team conducts a vigorous verification process using manual and automated approaches to screen out items that may be part of a disinformation campaign ("fake news"). They also assess the reliability and provenance of each digital file to determine whether it has been altered, edited or may be an AI-generated "deep fake".

The Mechanism also uses advanced geolocation techniques to identify or confirm where an image was taken by examining metadata or identifying unique landmarks visible in the image and comparing these against available open source maps or geospatial imagery.

Details about the Mechanism's investigations and progress will be published in its Annual Report on 13 August 2024. The Head of the Mechanism will present the Report to the Human Rights Council on 9 September and brief the General Assembly later in the year.

UNIVERSAL JURISDICTION CASES

The principle of universal jurisdiction means that some crimes are so serious in nature that national authorities may, depending on their laws, prosecute alleged perpetrators even if the crime was committed on the territory of another country. Many countries have laws that require some link to their State, such as a victim or perpetrator being their national or present on their territory, while some require no link when dealing with crimes against humanity or genocide.



The Mechanism has a mandate to support universal jurisdiction cases that concern serious international crimes committed in Myanmar through sharing evidence and analysis with relevant investigative, prosecutorial or judicial authorities, as long as the jurisdiction in question provides basic guarantees for a fair trial that meets international standards and cannot impose the death penalty.

The Mechanism is currently sharing information with the Federal Prosecutor in Argentina as part of an investigation that was opened in 2021 into alleged serious international crimes committed against the Rohingya. There are currently no national investigations or proceedings related to crimes committed since the military coup. However, there have been some developments:

TURKEY

In March 2022, the Myanmar Accountability Project submitted a complaint to the Prosecutor's Office in Istanbul concerning crimes committed by the military following the coup. The Turkish authorities have yet to announce a response to the complaint.

PHILIPPINES

In October 2023, five victims and their families filed a joint criminal complaint before the National Prosecution Services in the Philippines alleging the commission of certain war crimes in Chin State, Myanmar, in 2021. The Philippines authorities have yet to announce its response to the complaint.

GERMANY

In January 2023, 16 applicants from Myanmar, supported by the non-governmental organization Fortify Rights, submitted a criminal complaint to the Federal Public Prosecutor General of Germany against senior military officials and others. The Federal Prosecutor rejected this complaint in September 2023.

UNITED KINGDOM

The Counter Terrorism Command, UK Metropolitan Police has opened structural investigations for each of the situations under investigation by the International Criminal Court, which includes Bangladesh/Myanmar. This means that they are identifying potential witnesses and examining the alleged crimes.

OUTREACH



The Mechanism uses multiple channels to communicate its work and progress to a range of audiences who have an interest in justice and accountability in Myanmar. Its [website](#) and [Facebook Page](#) are regularly updated with new content, and in July a new graphic novel will be released explaining how the Mechanism works with victims and witnesses of sexual and gender-based crimes. Stay tuned!

CIVIL SOCIETY DIALOGUE

In May 2024, the Mechanism held its second in-person Civil Society Dialogue with representatives from 18 civil society organizations from diverse communities with the aim of deepening mutual understanding and cooperation. Civil society organizations provide the Mechanism with valuable information, documentation, access to witnesses and leads for investigations, and the Mechanism is committed to strengthening its engagement with relevant groups.

Over three days of frank discussions, we shared information about the Mechanism’s mandate and limitations, its ways of working, investigative priorities, and how information shared by civil society organizations is used in its investigations. Civil society participants discussed their challenges and frustrations and highlighted some of the difficulties they encounter in their work and how this impacts their engagement with the Mechanism. Participants provided valuable suggestions on how the Mechanism might adapt its approaches to respond to on-the-ground realities.

Before the Dialogue, 57 percent of civil society participants indicated that they had a good understanding of the Mechanism and its mandate. This increased to 100 percent at the end of the event. The number of participants who indicated an interest in cooperating with the Mechanism almost doubled following the Dialogue.

MEDIA

The Head of the Mechanism recently discussed the escalation of violence in Myanmar in interviews with the [Asymmetrical Haircuts](#) podcast and [Libération](#) newspaper. The Mechanism’s work has also been highlighted by [The Japan Times](#), [Der Tagesspiegel](#), [Mizzima](#) and [Radio Free Asia](#), and its use of open source information as part of its investigations was featured in a report by the [Global Centre for the Responsibility to Protect](#).

FREQUENTLY ASKED QUESTIONS

HOW DOES THE MECHANISM PROTECT AND SUPPORT WITNESSES?

Through each step of its investigations, the safety, security and well-being of the Mechanism's witnesses and information providers are of paramount importance. Prior to each interview, the Mechanism's witness protection specialist assesses each witnesses' unique security needs and advises the investigators on how to mitigate potential risks. The Mechanism recognizes that cooperation with it carries significant risks for some witnesses and takes all reasonable measures within its capabilities to minimize them. However, the Mechanism does not have the powers to provide physical security or to grant anyone the right to travel or enter any country.

The Mechanism provides psychological support to witnesses before, during and after their interviews to avoid re-traumatizing them. This year the Mechanism is also strengthening and expanding its support network in areas where it operates and establishing new partnerships with service providers that can offer medical and psychological support to witnesses that need it.

MILLIONS OF PEOPLE HAVE BEEN DISPLACED SINCE THE MILITARY COUP. IS THIS A CRIME?

Under international law, it is a crime to use violence or other forms of coercion to force a person to leave a place where they are lawfully present. This does not mean that the person must be forced out of their house at gunpoint. The crime is committed even when a person has to flee their village because of a campaign of harassment, violence or intimidation that deprives them of a "genuine choice" to stay where they are. Other forms of coercion include attacks targeting civilians, unlawful destruction of houses or terrorization of the civilian population. A lawfully conducted military campaign is not considered coercion.

The crime does not require large numbers – even a single person can be a victim of the crime against humanity of "deportation or forcible transfer" or of the war crimes of "ordering the displacement of civilians" or "unlawful displacement or transfer".

