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**Human rights situations that require the Council's attention****Report of the Independent Investigative Mechanism for Myanmar\****Summary*

The present document is the sixth report submitted by the Independent Investigative Mechanism for Myanmar to the Human Rights Council pursuant to resolution 39/2. It covers the activities carried out by the Mechanism between 1 July 2023 and 30 June 2024, highlighting progress on investigations, approaches and methodologies, challenges and areas for additional support.

During the reporting period, the conflict in Myanmar escalated substantially, with reports of more frequent and brutal crimes committed across the country. The Mechanism possesses substantial evidence that a variety of war crimes and crimes against humanity have been committed. While the great majority of information collected by the Mechanism concerns crimes committed by the Myanmar security forces or affiliated militias, the Mechanism has also received credible information regarding crimes committed by some armed groups fighting against the military. The Mechanism is examining evidence of alleged crimes regardless of the affiliation or ethnicity of the perpetrators or victims.

Despite the complex and evolving situation in the country, the Mechanism made important progress across its various investigations, with almost 28 million items of information and evidence collected from over 900 sources by the end of the reporting period, including: witness statements; photographs; videos; audio materials; documents; maps; geospatial imagery; social media posts; and forensic evidence. To enable these vast quantities of material to be searched, analysed and utilized to build case files, the Mechanism has developed and optimized innovative technologies.

During the reporting period, the Mechanism made significant strides in its investigations into crimes committed following the military takeover in February 2021. Evidence has been collecting related to the violent suppression of protests; torture and other abuses in detention, including sexual and gender-based crimes; unlawful imprisonment of perceived opponents of the military regime, including arbitrary detention and manifestly unfair trials; indiscriminate or intentional artillery and aerial attacks against civilians or civilian objects; killings of civilians or fighters detained during operations; and the intentional burning of civilian dwellings and other civilian buildings.

In relation to the clearance operations carried out by the Myanmar security forces in 2016 and 2017, which forced almost three quarters of a million Rohingya to flee to

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Bangladesh, the Mechanism has conducted numerous witness interviews and screenings and has produced a number of confidential analytical reports, including on movements of military units during clearance operations. The Mechanism is making efforts to gather information on the current conflict in Rakhine State between the Myanmar security forces and the Arakan Army and serious allegations of crimes committed against both Rohingya and Rakhine civilians in Buthidaung, Maungdaw and surrounding areas.

The ultimate goal of the Mechanism is to enable national and international authorities to deliver justice for the victims of serious international crimes committed in Myanmar. During the reporting period, the Mechanism shared a significantly higher volume of evidence and analysis than ever before. The evidence is for use in three ongoing investigations and judicial proceedings related to crimes against the Rohingya that are being conducted by the International Court of Justice, the International Criminal Court and the Federal Prosecutor's Office No. 9 in Argentina. To date, the Mechanism has prepared over 260 packages with evidentiary materials and analytical products available for sharing with relevant authorities, of which 80 packages have already been shared.

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## I. Introduction

1. The present report covers the activities carried out by the Independent Investigative Mechanism for Myanmar between 1 July 2023 and 30 June 2024.
2. The Human Rights Council, by its resolution 39/2, created the Mechanism and mandated it to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011 and to prepare files to facilitate and expedite fair and independent criminal proceedings in national, regional or international courts or tribunals. In its resolution 73/264, the General Assembly welcomed the establishment of the Mechanism. Subsequently, in its resolution 43/26, the Council specifically called upon the Mechanism to engage in close and timely cooperation on any future investigations, including those conducted by the International Criminal Court and the International Court of Justice.
3. During the reporting period, the conflict in Myanmar significantly intensified. The Myanmar military lost territory in outlying regions to ethnic armed organizations and the People's Defence Force, increasingly relying on aerial and artillery bombardments of populated areas, resulting in numerous injuries and fatalities among the civilian population. People of various ethnicities 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, it is estimated that over three million people have been forced to flee their homes. The number, complexity and geographic scope of serious crimes committed in Myanmar have expanded on a substantial scale. No one has yet been held accountable for these crimes, which continues to deepen the culture of impunity in the country. Additional restrictions recently placed by the Myanmar military on access to digital communications and Internet connectivity could make interaction with the outside world and access to information even more difficult.
4. In this context, the Mechanism believes that its efforts to collect evidence that can be used to hold perpetrators to account is ever more critical. Despite operating in an increasingly complex environment, including lack of access to Myanmar and other locations where witnesses are located, the Mechanism has made important progress during the past year across its various investigations. The Mechanism continues to closely monitor the deteriorating situation as it relates to the growing number of alleged violations and incidents throughout Myanmar and to collect information and evidence regardless of the ethnicity or affiliation of the perpetrators or the victims. The Mechanism has accumulated and analysed a diverse range of evidence probative of serious international crimes committed in Myanmar, including evidence bearing on the criminal responsibility of specific individuals.

## II. Progress on investigations

5. The clearance operations carried out by the Myanmar security forces in Rakhine State in 2017 forced almost three-quarters of a million Rohingya to flee to Bangladesh. Nearly all remain in refugee camps today, awaiting conditions that would allow their return to Myanmar. While the plight of the Rohingya was undoubtedly a major motivation for the creation of the Mechanism, the Human Rights Council recognized that the Rohingya were not the only civilians in Myanmar targeted in the many internal conflicts in the country and that progress in resolving conflicts and achieving justice depended upon breaking the cycle of impunity for military leaders that had long plagued the country. Accordingly, the mandate of the Mechanism covers the entire territory of Myanmar and includes the most serious international crimes committed since 2011, regardless of the race, ethnicity, religion or affiliation of the victims or the perpetrators.
6. Since the military coup in February 2021, the number of serious international crimes in Myanmar has continued to increase in frequency and scale. These crimes occur throughout the country, including almost all border regions and within areas of the central lowlands. Access to victims in those areas is extremely difficult. However, the evolution of the political/military situation has also brought new opportunities. A significant number of

officers and soldiers from the security forces have defected, although obtaining and preserving their information safely has presented additional challenges.

7. To maximize the efficiency of its investigations, the Mechanism has divided its investigative personnel into two teams: one that focuses on crimes committed against the Rohingya (both historical and ongoing crimes); and another that focuses on crimes committed against all other groups, which includes almost all of the crimes committed since the military coup in February 2021. These two lines of investigation, crimes against the Rohingya and post-coup violence, have distinct characteristics, including: the time period under investigation; the history and causes of the violence; the location and availability of witnesses; and the investigative or judicial authorities who are currently investigating or adjudicating these crimes or are likely to do so (as detailed below, all three of the ongoing proceedings that the Mechanism is currently supporting deal only with violence against the Rohingya).

8. The Mechanism also continues to actively monitor the ongoing situation throughout Myanmar. As the situation in Rakhine State has deteriorated significantly in recent months, the Mechanism has opened new investigative lines of inquiry into the current conflict in Rakhine State between the Myanmar security forces and the Arakan Army and alleged crimes against the civilian population, including the Rohingya. In the last few months, there are strong indications that serious international crimes have been committed in Buthidaung, Maungdaw and the surrounding areas against both the Rohingya and other civilians in Rakhine State. The Mechanism is also investigating allegations concerning the forcible conscription of Rohingya youth into armed groups.

## **A. Investigating and facilitating proceedings for crimes against the Rohingya**

9. In relation to its investigation of crimes against the Rohingya, the Mechanism's priority lines of inquiry include: (a) crimes against Rohingya civilians related to the 2012 violence, including the internal displacement and confinement of Rohingya into internally displaced persons' camps near Sittwe; (b) crimes associated with the 2016 and 2017 clearance operations conducted by the Myanmar security forces, which form the focus of the ongoing investigations by the Office of the Prosecutor of the International Criminal Court and the Federal Prosecutor's Office No. 9 in Argentina, as well as the judicial proceedings at the International Criminal Court that the Mechanism is supporting; and (c) more recent crimes committed in northern Rakhine State, in particular since May 2024. The evidence that the Mechanism has collected to date includes both crime-base evidence (establishing the elements of an international crime) and linkage evidence (evidence that tends to establish a link between the actions of specific persons and such crimes). For example, the Mechanism continues to collect and analyse evidence on the prevalence and coordinated dissemination of hate speech against the Rohingya, which was a signature feature of the crimes against the Rohingya, to assess potential criminal liability.

### **Collection of evidence**

10. The Mechanism has collected and analysed a substantial amount of evidence concerning the 2016 and 2017 clearance operations. Mechanism investigators have conducted numerous in-person screenings and interviews of witnesses in refugee camps and other locations, collecting documentary and other evidence and conducting open-source investigations using advanced techniques.

11. The Mechanism has continued its regular cycle of investigative missions to locations where survivors of serious international crimes committed in Myanmar have taken refuge or have relocated. In accordance with best practices, the Mechanism has conducted hundreds of in-person screenings (preliminary interviews) and detailed witness interviews with members of the Rohingya community, producing signed statements of high forensic value. In doing so, the Mechanism has engaged with individuals hailing from a wide range of locations across northern Rakhine State and individuals of varying ages, backgrounds and genders, ensuring the investigation not only of the most notorious and "highly documented" incidents, but also

those in “underdocumented” regions. In all of its witness interactions, the Mechanism has prioritized the collection of information concerning sexual and gender-based crimes and crimes against and affecting children, since such crimes are so often underreported and underdocumented in criminal investigations.

12. The Mechanism has mapped out and engaged with Rohingya diaspora communities in several countries. In certain locations, and in coordination with national authorities, the Mechanism has carried out investigative missions to those States to conduct detailed witness interviews. The Mechanism considers that engaging with members of the Rohingya community in a range of different countries where they have taken refuge or have relocated ensures the inclusion of a broader range of members of the affected community in its investigations and increases the pool of witnesses in stable security situations who may be available to testify in judicial proceedings.

13. Aside from engaging with survivors from the Rohingya community, the Mechanism continues to pursue evidentiary information from individuals who may possess “inside knowledge” relevant to the perpetration of crimes against the Rohingya by the Myanmar security forces, including the chain of command within the Myanmar security forces or other armed groups. The Mechanism also continues to engage with a wide range of witnesses who may provide contextual, overview or other information pertaining to crimes against the Rohingya. Such witnesses range from medical professionals and other first responders who provided immediate care to the Rohingya survivors and victims as they fled Myanmar to diplomatic representatives and officials of international organizations who engaged with the Myanmar military and civilian authorities around the time of the 2016 and 2017 clearance operations.

#### **Analysis and sharing**

14. In accordance with its mandate, the Mechanism dedicates considerable resources to the analysis of evidence to fulfil the mandate to facilitate and expedite criminal accountability processes in national or international courts. The Mechanism’s evidence repository includes a vast amount of material in the Myanmar language (Burmese). Guided by the priority lines of inquiry discussed above, as well as by the needs and requirements of ongoing investigations and proceedings related to those crimes, the Mechanism has produced in-depth analytical products on salient aspects of the investigation during the reporting period. While most of its work remains confidential, in order to preserve the integrity of the investigations and to safeguard the security of witnesses and sources, the Mechanism exceptionally released two such reports to the public in March 2024. The first report concerns the failure of the Myanmar authorities to address widespread allegations of sexual and gender-based violence against the Rohingya population; the second report demonstrates how the Myanmar military used a covert network of Facebook accounts to propagate hate speech against the Rohingya prior to and during the 2017 clearance operations.

15. In addition, the Mechanism has produced and shared with judicial authorities a number of confidential analytical reports focusing on various matters of high contextual and evidentiary value to the ongoing investigations and proceedings about crimes against the Rohingya. This includes analyses of evidence harvested by its team of specialists and open-source and financial investigators and analysts. Such analyses cover issues such as: the history of official laws and pronouncements issued by the Myanmar authorities and the effect of such laws and pronouncements on the fundamental rights of the Rohingya population; the movements of military units during the clearance operations, as garnered from social media posts of the Myanmar authorities; resettlement practices and policies intended to attract the migration of non-Rohingya people to Rakhine State; and the quantities and qualities of weapons in the possession of Arakan Rohingya Salvation Army at the time of the clearance operations. The Mechanism continues to develop additional analytical reports on other thematic priorities, including on the loss and expropriation of Rohingya property prior to, during and after the clearance operations and on individuals and/or corporate structures potentially involved in the provision of material assistance to the Myanmar security forces during the clearance operations. Beyond the analysis already conducted with respect to Facebook, the Mechanism continues to examine the role that hate speech has played throughout the time period of its investigations, including through other forms of social

media, print materials and speeches. The Mechanism's investigations also seek to identify the broader political, historical and contextual developments that have led to the systematic persecution of the Rohingya over time.

16. During the reporting period, the Mechanism shared an unprecedented volume of evidence and analysis with three ongoing investigations and judicial proceedings, two of which are criminal investigations focusing on the individual responsibility of perpetrators of crimes committed against the Rohingya. The first investigation is being conducted by the Office of the Prosecutor of the International Criminal Court. The second criminal investigation is being conducted by the Federal Prosecutor's Office No. 9 in Argentina. The third proceeding is *The Gambia v. Myanmar* case before the International Court of Justice, which concerns State responsibility under the Convention on the Prevention and Punishment of the Crime of Genocide. The Mechanism is proactively identifying information and evidence that could be relevant to these investigations and proceedings and is also responding to targeted requests from these authorities for specific information or analysis. The authorities have expressed their strong appreciation for the evidence and analyses shared by the Mechanism.

17. The current support provided by the Mechanism for the above proceedings is of a time-sensitive nature. The proceedings at the International Court of Justice are reaching the conclusion of the written submissions phase and oral hearings on the merits are expected to begin in 2025. The investigations in Argentina and at the International Criminal Court are both active and advancing.

18. As a fundamental principle, the Mechanism only shares materials when individuals or entities have consented to the sharing of their materials with the specific judicial authorities concerned. In addition, the Mechanism conducts its own further review of such materials to ensure that sharing will not compromise the safety or privacy rights of any persons identified. As the three jurisdictions with which the Mechanism is currently sharing each have their own distinct rules and procedures regarding the admissibility of evidence and the protection and privacy of witnesses, the Mechanism carries out an informed consent analysis for all materials that it shares. This requires regular and ongoing engagement with the Mechanism's witnesses and sources. The Mechanism also coordinates closely with the relevant jurisdictions to facilitate the direct provision of testimony by witnesses in the proceedings and to "deconflict" witnesses to ensure that sensitive and vulnerable individuals are not approached or asked to be interviewed again by multiple justice institutions.

## **B. Investigating post-coup crimes**

19. The Mechanism's other priority area of investigation concerns crimes committed against other groups in Myanmar since 2011, which increased in brutality and intensity following the military coup in February 2021. As described in the Mechanism's previous annual reports, the Mechanism has collected significant volumes of credible evidence and information indicating the commission of war crimes in connection with armed conflict and crimes against humanity as part of a widespread and systematic attack against the civilian population. This pattern has been escalating and spreading across the country and the Mechanism has been collecting credible reports of brutal atrocities being committed at an alarming rate. In this context, the Mechanism has sought to prioritize its investigations of new incidents according to its case prioritization policy, while continuing to investigate crimes that may have been committed prior to the reporting period.

### **Crimes related to the suppression of dissent following the military coup**

20. The Mechanism has made important progress in the collection and analysis of information related to: (a) the violent suppression of protests during the period following February 2021; (b) torture and other abuses in detention, including sexual and gender-based crimes; and (c) unlawful imprisonment of perceived opponents of the military regime, including arbitrary detention and manifestly unfair trials.

21. In relation to the violent suppression of protests, the Mechanism has accumulated substantial evidence indicating that security forces applied disproportionate force against

civilians protesting the military coup in February 2021. The security forces consisted not only of police but also military forces, sometimes dressed as police. Such forces applied lethal or near-lethal force to suppress protests in circumstances where it was not justified, causing civilian deaths and serious bodily injury. The Mechanism has obtained reliable evidence of security forces using live ammunition against protesters in Yangon, Mandalay, Bago, Tanintharyi, Kachin and Magway. Measures were often taken by security forces to prevent or delay injured persons from receiving medical assistance. Furthermore, the Mechanism has collected credible information that security forces sought to conceal the cause of death of protesters, including by falsifying autopsy reports and using other means to provide false information to the family members of those killed.

22. The Mechanism has collected abundant evidence of systematic torture of individuals in detention, particularly in military detention facilities. The means of torture included: beatings with bamboo sticks; inflicting electric shocks; pulling out fingernails with pliers; burning skin with a cigarette lighter; sleep-deprivation and long periods in stress positions; dousing detainees in petrol and setting them alight; waterboarding; strangulation with plastic bags or other materials; breaking fingers; and forcing detainees to punch each other or to witness violence against other detainees. The Mechanism has also received credible information that some individuals were killed in detention. Detainees were held in inhumane conditions, deprived of food and water and often did not receive medical care following their mistreatment. Physical abuse of detainees was often accompanied by severe mental abuse, including death threats or threats of serious violence, including rape, against detainees or family members.

23. The Mechanism has also collected reliable evidence of sexual and gender-based crimes in detention committed against all genders, including children under age 18, including: rape (gang rape and multiple rapes), inter alia, through the insertion of objects into anal and genital openings; burning of sexual body parts with cigarettes; injury to reproductive body parts; sexualized touching; forced full or partial nudity; invasive body searches accompanied by sexual humiliation; the use of sexualized, misogynist or homophobic slurs; and threats of sexual violence or violence based on gender or sexual orientation.

24. The Mechanism has found that physical and mental torture was often used to induce detainees to provide information or purported confessions or to affirm statements that they were not even allowed to read. These statements were then relied upon in subsequent judicial proceedings to convict detainees. Attempts by lawyers or the accused to object to the reliance on such “confessions” on the basis that they had been elicited through torture were summarily dismissed by judges or not even considered. Those arrested included protesters, politicians, journalists, political activists, civil servants participating in strikes, persons associated with the civil disobedience movement or suspected of having any affiliation or involvement with armed groups opposed to the military regime, suggesting that the authorities aimed to convict opponents of the military regime.

25. In sum, the Mechanism possesses substantial evidence that a variety of crimes against humanity have been committed in relation to the suppression of post-coup dissent, including: torture; rape and other forms of sexual violence; persecution based on intersecting grounds, including gender, sexual orientation, perceived political affiliation, religion and ethnicity; enforced disappearance; imprisonment; murder; and other inhumane acts.

#### **Crimes committed in relation to ongoing armed conflict**

26. The Mechanism continues to collect and analyse evidence of crimes connected to various ongoing armed conflicts throughout Myanmar, including in Sagaing and Magway Regions and in Shan, Chin, Kachin, Kayah, Kayin and northern Rakhine States. Investigations of past and new incidents involve, in particular: (a) indiscriminate or intentional artillery and aerial attacks against civilians or civilian objects; (b) killings of civilians or fighters detained during operations; and (c) the intentional burning of civilian dwellings and other civilian buildings. The Mechanism has collected evidence of the continued frequent use of air-to-surface bombs, causing significant numbers of civilian casualties without any apparent military target in the vicinity. The objects of such attacks have included internally displaced persons’ camps, schools, religious buildings and health facilities. The reporting period has also been marked by continued acts of physical mutilation



against victims killed in detention, such as beheadings, the display of disfigured and sexually mutilated bodies. The Mechanism has received credible information that such acts of mutilation have been committed by soldiers in civilian or military attire and/or military-affiliated militias.

27. The Mechanism has also received credible evidence of rape and other forms of sexual and gender-based crimes against civilians in connection with armed conflict. Civilians of all ages and genders have been subjected to abduction, rape, including with objects, gang rape, rape leading to or followed by murder, attempted rape, sexualized torture, sexual mutilation, sexual assault at military checkpoints, forced full or partial nudity and sexual slavery. The evidence collected by the Mechanism indicates that the crimes were committed with an intent to punish and induce terror in the civilian population and that victims were often targeted on one or more discriminatory grounds, including gender, ethnicity, religion, perceived political affiliation or sexual identity.

28. The Mechanism continues to examine information indicating that children below age 15 have been enlisted, conscripted or used as participants in hostilities by various armed actors. While children of all ages are subjected to the same international crimes as adults, they bear unique consequences of those crimes, in particular an enduring impairment of the exercise of their rights to education, health care and family life that almost always results from forced displacement and other such crimes.

29. The abundance of widely available information was sufficiently alarming to put Myanmar military commanders on notice of the need to take measures to prevent and punish conflict-related crimes. Despite repeated requests for information to the Myanmar military, including questions concerning any investigations or disciplinary measures taken in respect of suspected crimes, the Mechanism has not received information that any military or civilian official has been investigated, let alone prosecuted, for these grave crimes. Military commanders have a duty under international law to prevent or repress war crimes committed by those under their command. The systematic failure to do so may not only give rise to superior responsibility but may also indicate that the crimes were intended by those in command at the highest levels of the military.

30. While the vast majority of information collected by the Mechanism concerns crimes committed by the Myanmar security forces or affiliated militias, the Mechanism has also received credible information regarding crimes committed by some armed groups fighting against the military. In particular, the Mechanism continues to collect information concerning enforced disappearances, as well as the summary and sometimes brutal execution of civilians suspected of being informers or collaborators with the military. The Mechanism has also received reports of sexual violence in detention by armed groups, including rape. The Mechanism is aware that the National Unity Government has announced investigations into some of these crimes and that some armed groups have publicly announced that they consider themselves bound by international humanitarian law. The Mechanism will continue to evaluate the gravity and extent of the crimes committed in accordance with its case prioritization policy.

#### **Potential sharing with future jurisdictions**

31. While the Mechanism is currently sharing information with three jurisdictions in relation to serious international crimes committed against the Rohingya, there are currently no national or international investigations or proceedings related to crimes committed since the military coup. To date, several complaints regarding post-coup crimes have been filed on the basis of universal jurisdiction, including in Germany, the Philippines and Türkiye. In September 2023, the Federal Prosecutor of Germany declined to investigate a complaint regarding genocide, war crimes and crimes against humanity in Myanmar filed by a human rights group. The authorities in the other jurisdictions where complaints have been filed have not yet announced a response. In addition, the Metropolitan Police Service in the United Kingdom of Great Britain and Northern Ireland has opened structured investigations into each of the situations under investigation by the International Criminal Court, including the forcible deportation of Rohingya from Myanmar to Bangladesh. The Mechanism has been informed that this could include the identification of potential witnesses and the examination of alleged crimes.

32. Despite the absence of investigations or proceedings in relation to post-coup crimes, the Mechanism is preparing files and analytical products on the “chapeau elements” of crimes against humanity and war crimes, which will be made available to jurisdictions that have opened or are considering opening investigations in relation to crimes committed on the territory of Myanmar. Specifically, the Mechanism is using evidence of various crimes to: (a) substantiate files in relation to specific incidents and locations; (b) develop a cross-cutting analysis demonstrating the existence of a “widespread or systematic attack against a civilian population”, which is the threshold for establishing crimes against humanity; and (c) prepare an analytical product demonstrating the intensity of armed conflicts and the level of organization of the parties to those conflicts in Myanmar, which is relevant to any determination as to whether crimes took place in the context of an armed conflict and which is required to establish the commission of war crimes.

### **III. Progress on other areas of the Mechanism’s work**

#### **A. Approaches and methodologies for collecting, analysing and managing information and evidence**

33. Despite facing many challenges owing to the lack of access to crime scenes and difficulties in contacting witnesses, the Mechanism succeeded in collecting large quantities of information and evidence during the reporting period. Its approach has been to combine traditional investigative techniques with modern investigative technologies. The Mechanism has collected many different types of evidence, ranging from detailed signed statements of individuals with first-hand knowledge relevant to serious crimes, to the harvesting, verification and analysis of social media, open-source and financial information. To enable the vast quantities of data collected to be searched, analysed and utilized, the Mechanism has optimized complex and sophisticated information management technologies. In all of its collection efforts, the Mechanism seeks to ensure that a survivor/victim-centred, gender-sensitive and trauma-informed approach underpins its methodologies, processes and systems, particularly in its interactions with witnesses, sources and information providers.

34. In accordance with the principles of impartiality, confidentiality and informed consent, the Mechanism applies a multifaceted approach to evidence collection, focusing on information and evidence pertaining to priority situations and incidents, contextual and overview information relevant to Myanmar and information pertaining to specific individuals, groups and structures suspected of perpetrating crimes. In accordance with its terms of reference, the Mechanism seeks both inculpatory and exculpatory information from all relevant parties regarding potential serious international crimes committed in Myanmar.

35. Through its targeted approach to requesting and receiving information and evidence, the Mechanism has collected and processed for potential sharing nearly 28 million items of information and evidence. Most of the materials have been collected through formal requests for information. To date, the Mechanism has made nearly 200 formal requests to a variety of entities and individuals, which have resulted in the collection of a vast and diverse range of information and evidence pertaining to its ongoing investigations. Such information and evidence includes documents, photographs, videos, audio material, geospatial imagery, forensic evidence, witness statements, social media posts and other open-source materials. Since beginning its work, the Mechanism has collected information and evidence from over 900 sources and information providers, including from 320 sources and information providers during the reporting period. The vast majority of the information and evidence is collected from victims, individuals and representatives of civil society organizations who, at great risk, are in the front line of efforts to gather information and evidence regarding serious international crimes committed in Myanmar. Other sources of information and evidence include national authorities, United Nations entities, international organizations, non-governmental organizations and business entities.

36. The Mechanism places great importance on the collection of first-hand, high-value witness testimony that is essential to building criminal cases. To that end, the Mechanism has continued to engage with an increasing number of victims and individuals who witnessed the

commission, planning or ordering of serious crimes, resulting in the collection of over 400 witness statements and screening notes to date. In addition to the statements and screening notes, the Mechanism has prepared over 400 investigation notes documenting information collected from various sources and leads. Investigative missions to various States, in particular, enabled in-person interviews and the collection of other valuable and probative information. The Mechanism acknowledges with appreciation the support provided to its investigative activities by relevant national authorities and other stakeholders.

37. The Mechanism's methodology and processes for collecting witness statements have also been informed by lessons learned and best practices identified through an internal evaluation carried out in 2023. The findings of the evaluation affirmed the effectiveness and importance of taking signed witness statements of high forensic value with the broadest possible admissibility in national and international courts and tribunals. Through this evaluation, the Mechanism also identified areas for efficiencies and improvement, including the importance of utilizing more culturally informed interviewing techniques and focusing the interviews on the core elements of crimes and evidence of the identity and responsibility of suspected perpetrators.

38. The Mechanism is constantly working to leverage the most current information management technologies to ensure that the evidence collected is accessible and searchable and that materials are preserved in a manner that will allow their use in future legal proceedings. These tools are enabling the Mechanism to expand the amount of information and evidence available for sharing with relevant international and national authorities and entities. To date, the Mechanism has prepared over 260 packages with supporting information and analysis available for sharing with relevant authorities, of which 80 packages, comprising over a million information items, have already been shared with such authorities.

#### **Language and translation of the Mechanism's repository**

39. Investigating serious international crimes in a country with a large diversity of ethnic and linguistic groups such as Myanmar brings an added a layer of complexity to the Mechanism's collection and analytical functions. In the majority, the materials the Mechanism has collected are in the Myanmar language (Burmese) and other languages used in Myanmar and are written in different scripts used in Myanmar and in different file formats. Similarly, the majority of the Mechanism's witnesses, sources and other civil society stakeholders speak only in the Myanmar language (Burmese), Rohingya or other languages used in Myanmar. As a result, the Mechanism requires timely and accurate language translation and interpretation capabilities in order to carry out its collection and analytical activities as well as to interact and engage on a regular and meaningful basis with its wide range of beneficiaries and stakeholders.

40. During the reporting period, the Mechanism has taken concrete steps to further strengthen its language capacity and support capabilities, both for translation and interpretation. The Mechanism is continuously evaluating its internal language needs to determine which types of language support and tools are required and identifying steps to address those needs. These steps included the recruitment and specialized training of additional language professionals, which has been particularly effective in increasing direct engagement with witnesses, information providers and civil society stakeholders. The Mechanism has also launched a digitalized translation request system for the management and prioritization of translations of collected materials, further facilitating the review, assessment and use of such materials in ongoing investigations. The Mechanism is also exploring the use of artificial intelligence technologies to develop a machine translation system capable of producing accurate translations of large volumes of materials from the Myanmar language (Burmese) into English.

## **B. Technology and infrastructure**

41. As the digital information landscape continues to evolve and the Mechanism's collection of digital materials grows, the Mechanism has continued to refine existing technologies and to integrate new solutions to improve the intake, preservation and analysis

of its evidence repository. During the reporting period, the Mechanism continued to develop its core and specialized technology and infrastructure to enable the collection, preservation and analysis of information and evidence in an accessible, searchable and secure manner.

42. In this regard, the Mechanism deploys automation to enable more efficient internal workflow processes. Automation has enabled the Mechanism to produce sharing packs more efficiently, in line with the rapid pace of requests for information and evidence by competent authorities. To ensure the integrity of the evidence shared and the security of information, each page carries a number unique to the document being shared with the specific authority. Enhanced automation in information technologies has also resulted in efficiencies in other areas, including the processing of collected materials, which has been reduced from days to hours, including the extraction and preservation of data from a variety of social media, communication and messaging applications.

43. In preparation for the development of a machine translation capability from the Myanmar language (Burmese) into English, the Mechanism has devised a tool to standardize the character sets used in the digital materials across the evidence and information management system. In addition, the Mechanism has enhanced its optical character recognition capabilities by deploying an advanced optical character recognition platform to extract text from evidentiary items that normally have no extractable text. These tools will contribute to an eventual improvement of machine translations.

44. Simultaneously, the Mechanism has continued the development of computer vision technology in order to analyse the photos and videos that it has collected. The technology will enable the Mechanism to deduplicate, group, retrieve and analyse the large volume of photographs and videos it has collected, including the capability to detect scenes and objects (such as villages or weapons) and cluster similar images to facilitate easier analysis. Once it has been fully developed, the technology will enable the Mechanism to carry out more advanced analytics and sharing of information.

45. The Mechanism's policies and procedures on information systems and information management have also been informed by lessons learned and best practices identified through an internal evaluation carried out in 2023. In line with the findings of the evaluation, the Mechanism has taken steps to update its information and technology governance and policy framework to better fit its requirements and operations in the wake of the coronavirus disease (COVID-19) pandemic. Recognizing the ever-changing technical environment and uses of technology, an enhanced framework will better respond to improving and evolving technology systems, better align with the needs of the Mechanism relating to cybersecurity and safety and improve compliance by Mechanism personnel. The enhanced framework includes a strengthened information governance programme for all non-evidentiary materials and an improved system of labelling and managing physical evidence and regular informational campaigns to keep all personnel informed of technical innovations and their potential effects on the work of the Mechanism.

### **C. Dialogue with relevant stakeholders and public outreach**

46. The Mechanism engages in extensive outreach and dialogue with a multitude of relevant stakeholders through its public outreach. Its efforts aim to increase understanding of the Mechanism's complex mandate and to build trust among those with a stake in its work. The Mechanism uses a range of communication channels and tools to help stakeholders better understand what it can and cannot do, explain its working methods and increase support and cooperation for its investigations. During the reporting period, the Mechanism focused on optimizing the impact of its website, Facebook page, media engagements, outreach materials and public and closed-door events and briefings.

47. Two-way communication is vital for the Mechanism to ensure understanding of its work and to respond to feedback from its stakeholders. In this regard, the Mechanism held its second in-person civil society dialogue with representatives from 18 civil society organizations from diverse communities working on issues related to accountability and justice in Myanmar. Civil society organizations provide the Mechanism with valuable information, documentation, access to witnesses and leads for its investigations. It is one of

the Mechanism's priorities to deepen its engagement with relevant civil society organizations in order to increase mutual understanding and to facilitate its understanding of the realities and challenges that these organizations face in the course of their work.

48. Over three days of frank and open discussions, Mechanism personnel shared information about its mandate and limitations, procedures and investigative priorities as well as how information shared by civil society organizations is used in its investigations. Civil society participants shared their challenges and frustrations and highlighted some of the difficulties they encounter in their work and how this impacts their engagement with the Mechanism. Many organizations shared concerns relating to security and psychosocial needs, Internet blackouts, funding issues and fatigue. They made valuable suggestions on how to improve their cooperation with the Mechanism, which is considering how to modify its working methods in response. Before the dialogue, 57 per cent of participants indicated that they had a good understanding of the Mechanism and its mandate. This increased to 100 per cent by the end of the event. The number of civil society representatives who indicated an interest in cooperating with the Mechanism almost doubled following their participation in the dialogue.

49. In addition to the dialogue, the Mechanism engaged with a range of stakeholders interested in justice for crimes committed in Myanmar. During the reporting period, this included participation in close to 40 public and closed-door events as well as virtual and in-person briefings, the majority of which included engagements with survivors, civil society groups and information providers. Since security is a serious concern for the Mechanism, a range of measures were put in place for virtual briefings to enable participants based in Myanmar and other locations to engage as safely as possible.

50. In addition to such direct engagement, the Mechanism has prioritized the development of outreach materials with simplified messaging that is accessible and memorable for a range of audiences. In this regard, the Mechanism produced visual outreach materials that explain how the Mechanism works, how to share confidential information with it, what happens to information once it is shared and how the Mechanism works with victims of sexual and gender-based crimes. These materials have been produced both in English and the Myanmar language (Burmese) and have been distributed through various communication channels and by global and regional partners. In the next reporting period, the materials will also be produced in several ethnic languages, including animated videos in the Rohingya language.

51. The Mechanism has also focused on improving the design and content on its website to make the information more accessible in English and the Myanmar language (Burmese). The updated website will be launched later in 2024. The Mechanism has also intensified its engagement through social media by producing visual and shareable content on Facebook and encouraging greater interactivity with its almost 75,000 followers through regular question and answer sessions. The public release of two analytical reports on hate speech and sexual and gender-based crimes further galvanized interactivity on these platforms. This was the first time that the Mechanism had released such reports on an exceptional basis in the interest of transparency and with the intention that they could be used widely for other justice and accountability efforts.

52. There has been continued media interest in the work of the Mechanism. Press releases, statements, media briefings and interviews have resulted in regular coverage in influential global, regional and national media outlets, including in the languages used in Myanmar. In the next reporting period, the Mechanism aims to target the media working in minority ethnic languages to reach more communities within Myanmar. The Mechanism also increased the publication of its bulletin from twice to three times a year to provide more regular updates on its activities to Member States, civil society organizations and other stakeholders.

#### **D. Witness protection and support**

53. The protection and support of witnesses and information providers, both in Myanmar and outside its borders, continues to be a top priority for the Mechanism. The Mechanism has continued its efforts to adopt appropriate procedures and methods of work for the protection of witnesses, taking all feasible steps within its means to protect their safety and

security, both during and resulting from their cooperation with the Mechanism. Such measures extend to all areas of the Mechanism's operations, from collection to sharing, to ensure that individuals and entities that cooperate with the Mechanism do not suffer harm.

54. To enable the Mechanism's investigative activities, the Mechanism conducted over 330 contact assessments during the reporting period to identify security risks and ensure that witnesses can engage safely with the Mechanism. As the Mechanism does not have the power to provide physical security or guarantee the safety of witnesses or to grant anyone the right to travel or enter any country, the cooperation of Member States remains crucial for the protection of witnesses, particularly the most at-risk individuals. The Mechanism relies on the assistance of Member States to be able to timely and adequately respond to threat actors in areas where witnesses reside and to ensure that they are safe and that important evidence is preserved.

55. Survivors of all crimes, including sexual and gender-based crimes, often suffer lasting physical and psychological injuries. The Mechanism continues working to ensure that all of its interactions with witnesses, both remote and in person, adopt a survivor-centred, gender-sensitive and trauma-informed approach, including through appropriate evaluation and support for all vulnerable witnesses, in particular children and survivors of sexual and gender-based violence. The Mechanism provides psychosocial assistance during interviews to ensure the well-being of witnesses and to facilitate support through referral services. During the reporting period, the Mechanism developed a system for follow-up engagements with witnesses who have been interviewed by the Mechanism, to check on their well-being and security and to seek their feedback on their engagement with the Mechanism. While many such witnesses continue to live in very difficult circumstances, their feedback has been positive. Witnesses have overwhelmingly indicated that they felt that their engagement with the Mechanism gave them a meaningful opportunity to contribute to efforts to ensure accountability for serious international crimes.

56. With the aim of strengthening culturally informed and survivor-centred practices, the Mechanism continued to enhance its support capacities, including through the addition of a mental health professional who speaks the Myanmar language (Burmese) as well as partnerships with psychosocial experts fluent in one of the Myanmar languages. The Mechanism also broadened its referral network for psychosocial support across different locations, despite significant challenges in identifying and establishing referral organizations and in finding available professionals in areas impacted by political unrest, socioeconomic factors and security threats, where resources are scarce. To improve planning and implementation of witness support, the Mechanism regularly evaluates trends in support needs and refines available support services. During the reporting period, the Mechanism provided in-house support to nearly 50 witnesses, assessing their vulnerabilities and identifying their needs in order to reduce the risk of possible negative impact on their well-being as a result of their cooperation with the Mechanism. Eight individuals have been referred to external service providers to receive medical and psychosocial support, as provided for in the Mechanism's term of reference.

## **E. Security of personnel, information assets and operations**

57. The Mechanism is closely monitoring the worsening security situation in areas directly affecting its operations as it places the highest priority on ensuring the security of its personnel, information assets and operations. The Mechanism's activities, including investigative missions and other interactions with witnesses in vulnerable situations and at high-risk, require complex security arrangements for its personnel. The Mechanism aims to ensure that required safety and security arrangements, based on the Mechanism's specific security needs and risk assessments, are integrated into all aspects of its operations, both in Geneva and during missions. This has included monitoring and analysing an increasing number of threat actors and their activities and producing comprehensive and regularly updated country or area-specific situation threat and risk assessments. Utilizing its well-established communications channels, the Mechanism maintains close coordination and advance planning with entities of the United Nations system and with security interlocutors in various locations. This has contributed to the safety and security of investigative missions

and other activities, such as the Mechanism's civil society dialogues, despite a challenging security landscape.

58. In addition, the Mechanism works hard to maintain high standards of cybersecurity in order to protect its communications with sources and witnesses and the information and data with which it is entrusted. Technological advances by threat actors that could compromise the security of digital communications in Myanmar threaten the Mechanism's ability to protect its information assets as well as access sources and information securely. The Mechanism is continuously reviewing and refining its cybersecurity measures and practices across its operations, focusing equally on mitigation as well as response preparedness measures. The Mechanism continued to enhance its cybersecurity on devices and services being deployed, allowing for better and more secure connectivity and access to systems, both in Geneva and during missions. The Mechanism also plans responses in order to safely manage the effects of third-party cybersecurity incidents. The Mechanism's specialists regularly conduct dedicated training and awareness programmes for personnel on information security and cyberthreats.

#### **IV. Cooperation with Member States and other partners**

59. The Mechanism continued to reach out to and seek information from the Myanmar authorities, in accordance with relevant resolutions in which the Human Rights Council and the General Assembly called upon Myanmar to cooperate and engage meaningfully with the Mechanism. To date, the Mechanism has made numerous requests to the Myanmar authorities for information in its possession and for access to its territory. The Myanmar military has continued to ignore such requests. Most recently, the Mechanism issued a public statement on its latest request for information concerning the capture and burning alive of two young men in Magway Region, in the hope that publicizing the request about such a heinous crime might lead to a response.

60. The Mechanism requires the cooperation of numerous entities, including States, international organizations, civil society organizations, business entities and victims, in order to collect information and evidence on the most serious international crimes committed in Myanmar. Many States require the negotiation of formal arrangements regulating the parameters of their cooperation, for example, in order for the Mechanism to conduct witness interviews in their territory. Some international organizations, civil society organizations and corporate providers also require formal cooperation arrangements before sharing information with the Mechanism. The conclusion of formal cooperation arrangements is consequently critical to the effective implementation of the Mechanism's mandate. To date, the Mechanism's proactive engagement with States and other stakeholders have contributed to the negotiation and conclusion of 36 cooperation arrangements, in the forms of treaties, memorandums of understanding, exchanges of letters or other instruments. Fourteen such cooperation arrangements have been concluded with Member States, covering States in Asia, Europe, Oceania and North America. These arrangements have allowed the Mechanism to carry out several dozen witness interviews and the collection of millions of evidentiary items in various countries.

61. In an effort to strengthen cooperation by all relevant stakeholders, during the reporting period, the Mechanism continued its high-level dialogues and consultations with Member States and other actors in Geneva, New York and numerous capitals. These engagements enabled the Mechanism to promote its work and to advance important cooperation arrangements to carry out evidence collection and witness interviews in the territories of Member States. In parallel, the Mechanism continued to actively engage and develop both informal and formal arrangements with a large network of civil society organizations, both in and outside the Asia-Pacific region, to build trust and to foster cooperation.

62. During the reporting period, the Mechanism also continued to rely on the support and cooperation of United Nations entities that might have information relevant to the Mechanism's mandate or that could provide support in other areas of its operations. Fully cognizant of the challenging operational environment that the United Nations system is currently facing in Myanmar, the Mechanism highly values the continued cooperation and

support of many United Nations actors, in line with the Human Rights Council resolution 52/31, in which the Council urged all United Nations bodies to collaborate fully with the Mechanism, where possible, and to share evidence that may be used in future prosecutions.

## V. Challenges and areas for additional support

63. As highlighted throughout the present report, the Mechanism faces a number of complex challenges, including: the lack of direct access to victims and witnesses in Myanmar and other States in the region; threats to the safety and security of personnel, witnesses and interlocutors; cybersecurity threats to communications and limitations in secure access to information; and the need for adequate capacity and resources to reinforce language and translation capabilities, technological innovations and specialized expertise. These challenges have been compounded by the liquidity crisis facing the United Nations during the reporting period.

64. The full cooperation of Member States in the Asia-Pacific region remains essential to ending the spiralling violence in Myanmar and ultimately pursuing justice for its people. For that reason, expanding cooperation with States in the region, where much of the evidence and many of the witnesses are located, continues to be a significant challenge and a high priority of the Mechanism. The Mechanism greatly values the continued strong support extended by some States for its investigative activities. It hopes that additional States that wish to end the horrendous violence that has engulfed Myanmar and to help the country towards a path to sustainable peace will cooperate with the Mechanism and send a strong and united message on the commitment of the international community to fight impunity for serious international crimes in Myanmar.

65. The Mechanism's ability to address risks related to the safety of its witnesses, personnel and information assets also requires the cooperation of Member States where such persons are located or seek to relocate. The security situation of potential witnesses has become increasingly complex with the deteriorating security situation both in Myanmar as well as in some other locations hosting refugees. Many of the Mechanism's witnesses and sources face serious risks both inside and outside Myanmar. Many have been forced to flee Myanmar and have crossed into neighbouring countries without any legalized immigration status, placing them in vulnerable situations, sometimes including the risk of arrest and deportation to Myanmar, where they may face persecution, detention and even execution. The developing security situation in the areas where the Mechanism's witnesses are located also requires constant monitoring to assess the presence of threat actors and their capabilities. As the Mechanism's investigations intensify, the need for increased capacity to monitor risks and threats affecting the safety and security of witnesses will also grow. The Mechanism is also expanding its engagement with civil society organizations, including through the civil society dialogue, which requires tailored risk and threat assessments for each civil society organization and the identification and implementation of corresponding mitigation measures, including through support from Member States.

66. As the Mechanism's activities grow, its personnel also face increased risks as a result of continued attacks against organizations and individuals working for justice and accountability in Myanmar. These risks have been compounded by greater awareness that the Mechanism's work may lead to criminal prosecutions against perpetrators of serious international crimes in Myanmar.

67. As Myanmar becomes increasingly more difficult to access, the possibility of digital surveillance and other potential threats to its information and communication systems has also grown. Many of the Mechanism's information sources, particularly those inside Myanmar, have legitimate fears that they are under surveillance or that their communications might be intercepted. In order to maintain a high level of vigilance about the security of its information and communications technology, the Mechanism is continuously adapting to evolving technologies and strengthening its incident response system to prevent and respond to cyberattacks.

68. While the political and operational support of Member States is critical, the Mechanism also needs adequate resources in order to address the above challenges and to



deliver on its mandate as effectively as possible. Inadequate resources affect other critical areas of the Mechanism's operations. For example, the Mechanism requires resources to ensure effective translation and interpretation capabilities, especially considering the volume of collected material in the Myanmar language (Burmese). The Mechanism will need to further increase its language capacity in the upcoming reporting period. This can partly be achieved through additional resources, including the recruitment and additional training of interpreters and translators, and partly through the continuing development of machine translation technology and solutions. The translation of digital texts from the languages spoken in Myanmar, in particular the Myanmar language (Burmese), into English using artificial intelligence technology remains a challenge as the technology is not yet as advanced for those languages as it is for others; development in this field will require significant additional financial resources. Furthermore, addressing the complexities related to Myanmar language (Burmese) character sets and fonts will require collaboration with specialist language scientists in order to develop this capability further.

69. The liquidity crisis facing the United Nations has not spared the Mechanism, placing significant restrictions on both staff and non-staff resources, affecting recruitment, essential consultancies, investigative mission travel, training and the acquisition of information technology equipment and software. The Mechanism has been obliged to leave a number of regular budget positions vacant, including in critical areas such as witness protection. Some investigative travel has also been curtailed to manage costs. The Mechanism prioritizes interviewing witnesses in person to ensure that interviews are accurate, free of any potential allegations of outside influence and are conducted to high standards that preserve the integrity of witness testimony. Travel cuts have therefore greatly impacted the gathering of crucial evidence from certain witnesses.

70. In light of these resource challenges, the Mechanism continues to actively seek voluntary contributions from Member States for discrete projects and highly specialized expertise. The complex work of the Mechanism requires specialized personnel and technologies that were not envisioned in the early stages of its establishment, including open-source research and analysis, financial investigations and innovative technologies. The Mechanism will continue to mobilize extrabudgetary funding to sustain its activities in the future and welcomes the support of diverse Member States and partners.

## VI. Conclusion

71. **The Mechanism acknowledges with gratitude the support extended to its investigative efforts by many Member States, United Nations entities, civil society organizations, private and public information providers and other partners. Their support remains crucial for the Mechanism to effectively carry out its mandate. The Mechanism is particularly grateful for the cooperation received from witnesses and survivor groups, which reflects the courage and dedication of the people of Myanmar to the fight against impunity.**

72. **While the number of serious international crimes committed in Myanmar is mounting, so is the evidence against the perpetrators. The Mechanism's team of analysts, investigators and lawyers are working hard and working smart to find, collect and analyse relevant evidence. The Mechanism will continue to combine well-tested investigative techniques with new and evolving technologies to piece together evidence to prove the commission of serious international crimes and the role played by those who bear personal responsibility.**

73. **Going forward, the Mechanism will continue to: prioritize investigations of the gravest crimes where the impact on victims is most severe, including sexual and gender-based crimes and crimes against children; seek cooperation from critical Member States to carry out investigative missions, including in new locations where relevant witnesses are located; explore innovative methodologies that will enable it to systematically analyse significant volumes of evidentiary material, with a focus on linking specific perpetrators to the crimes; and prepare and share evidentiary and analytical products that will have a high value to national and international**

jurisdictions. The above efforts will require the continued advancement of the Mechanism's information and technology systems to propel analytical and translation capabilities and to improve textual and image analytics. Identifying creative solutions that make the Mechanism's interactions and missions safer for personnel, interlocutors and information will also remain a high priority.

74. The Mechanism stands ready to support relevant authorities from national, regional or international courts or tribunals willing and able to pursue accountability for serious international crimes committed in Myanmar. In solidarity with the people of Myanmar, and with the continued support of the international community, the Mechanism hopes that the evidence it collects will one day be presented in a court of law and that those responsible will face justice.

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