



3 September 2019

António Guterres
Secretary-General
United Nations
New York

RE: ROSENTHAL REPORT

Dear Secretary-General,

We, the undersigned coalition of 16 international organizations, write to you regarding the recent report by Gert Rosenthal, “A Brief and Independent Inquiry into the Involvement of the United Nations in Myanmar from 2010 to 2018.”¹ As you are aware, 19 international nongovernmental organizations wrote to you on 25 March 2019, expressing support for an independent investigation into the handling of the Myanmar crisis by the UN and its agencies, with a view to drawing lessons and ensuring accountability.²

The Rosenthal report describes the UN’s failure to stop, mitigate, or even draw attention to violence that the UN Independent International Fact-Finding Mission found amounted to crimes under international law including crimes against humanity, and warrants an investigation of the crime of genocide against Rohingya.³ We note that the mandated scope of Mr. Rosenthal’s inquiry was extremely limited, was undertaken by one individual, did not include field visits, and excluded individual accountability.⁴ These limitations do not satisfy the UN Human Rights Council’s call for a “comprehensive” investigation,⁵ and are not reconcilable with the extraordinary magnitude of the crisis and the urgency of gathering “lessons learned” to improve the UN’s response in Myanmar and in similar high-risk situations going forward.

Nevertheless, we recognize your leadership in commissioning this report, releasing it publicly, and accepting all of its recommendations. This is a valuable first step. We stand ready to work with your office, as appropriate, to implement the recommendations, and to support other necessary changes and reforms.

¹ Gert Rosenthal, “A Brief and Independent Inquiry into the Involvement of the United Nations in Myanmar from 2010 to 2018,” May 2019, <https://www.un.org/sg/sites/www.un.org.sg/files/atoms/files/Myanmar%20Report%20-%20May%202019.pdf>.

² Joint Letter to the UN Secretary-General, 25 March 2019, <https://www.hrw.org/news/2019/03/25/joint-letter-un-secretary-general>.

³ Human Rights Council, Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar, A/HRC/39/CRP.2, 17 September 2018, https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_CRP.2.pdf.

⁴ Rosenthal report, p. 3.

⁵ Human Rights Council, Situation of human rights of Rohingya Muslims and other minorities in Myanmar, A/HRC/RES/39/2, 3 October 2018, para. 32.

However, we also note that the UN made similar commitments after the publication of the 2012 “Report of the Secretary-General’s Internal Review Panel on United Nations Action in Sri Lanka,” written by Charles Petrie.⁶ It is clear from the Rosenthal report that the failure to fully implement the recommendations in the Petrie report set the stage for the UN’s subsequent failings in Myanmar.

It is for this reason that we encourage you to take bold action, beyond the recommendations outlined in the Rosenthal report. These actions should include:

- promptly implementing reforms to prevent the recurrence of the “systematic” failures and “obvious dysfunctional performance” outlined in the report, and ensuring accountability for those failures as required;
- re-energizing the Human Rights up Front initiative prompted by the Petrie report;
- returning to your office a senior staff member dedicated to ensuring Human Rights up Front is fully implemented throughout the UN system;
- taking practical steps to hold accountable those UN officials responsible for failures before, during, and since the 2017 ethnic cleansing campaign;
- supporting the Resident Coordinator to ensure they have authority to implement a comprehensive Human Rights up Front strategy that takes into account the views of national and international NGOs, community-based organizations, and the human rights community, and is reflected and implemented at country level;
- using your leadership to take concrete steps to improve coordination at all levels of the UN on the situation in Myanmar; and
- committing to publishing annual updates on progress in adopting the recommendations of the Petrie and Rosenthal reports until they are fully implemented.

To promote greater transparency and accountability, we urge you to submit the report to the Security Council and encourage its member states to invite Mr. Rosenthal to brief the Council, the UN General Assembly, and nongovernmental organizations on this matter. We also urge you to brief the UN Human Rights Council on the report’s findings and recommendations at its 43rd session, as requested by the Council in resolution 40/29.⁷

We note that while Mr. Rosenthal’s review covers 2010 to 2018, many of the issues raised regarding the failings of “quiet diplomacy” are ongoing. A number of actors were also responsible for failing to take steps that may have prevented or limited atrocities, including individual UN member states and, above all, the Security Council, which has abdicated its collective responsibility to act under the UN Charter, despite your September 2, 2017 letter to the Security Council President urging concrete action.⁸

It is vital that your office act once again and quickly. Specifically, we call on you to set a clear, unifying strategy for the UN Country Team in Myanmar that places human rights concerns at the center of its strategy.

With elections scheduled in Myanmar in 2020, there is a real and serious risk of more violence against the Rohingya, other Muslim communities, and other vulnerable groups; heightened repression against critics of the military and government; and increased violations of international humanitarian law in the country’s internal armed conflicts with ethnic armed groups. Against this backdrop, it is crucial that under your direction UN bodies operate with a consistent and principled voice that prioritizes human rights.

We would be happy to discuss these issues and next steps with you and your team. As Mr. Rosenthal states, UN reforms “will be on trial” in Myanmar going forward.

⁶ Charles Petrie, “Report of the Secretary-General’s Internal Review Panel on United Nations Action in Sri Lanka,” November 2012, <https://digitallibrary.un.org/record/737299>.

⁷ Human Rights Council, Situation of human rights in Myanmar, A/HRC/RES/40/29, 11 April 2019, para. 29.

⁸ Security Council, Letter from the Secretary-General addressed to the President of the Security Council, S/2017/753, 2 September 2017, https://www.un.org/ga/search/view_doc.asp?symbol=S/2017/753.

We hope that you can make past failures in Myanmar a turning point in the UN's history—the moment when the lessons were finally learned.

Yours sincerely,

ALTSEAN-Burma

Amnesty International

Article 19

ASEAN Parliamentarians for Human Rights (APHR)

Asian Forum for Human Rights and Development (FORUM-ASIA)

Burma Campaign UK

Burma Human Rights Network

Fortify Rights

Global Justice Center

Human Rights Watch

International Campaign for the Rohingya

International Commission of Jurists

International Federation for Human Rights (FIDH)

Jacob Blaustein Institute for the Advancement of Human Rights (JBI)

Justice for All/Burma Task Force

Progressive Voice