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## OPEN LETTER ON THE ESTABLISHMENT OF AN INTERNATIONAL ACCOUNTABILITY MECHANISM ON MYANMAR

Your Excellencies,

I would like to urge you, as members of the UN Human Rights Council, to seize an opportunity to take effective action to ensure justice and accountability for victims and survivors of grave crimes under international law in Myanmar.

I am conveying a petition signed by 92,960 people from 176 countries and territories calling on the UN Human Rights Council to establish an international accountability mechanism mandated to collect and preserve evidence of these crimes, and to begin preparing case files for future prosecutions. Together, we are calling on your government to support the creation of such a mechanism at the Council during its current session.

The report presented by the UN Fact-Finding Mission on Myanmar to the Human Rights Council on 18 September 2018 accuses Myanmar security forces, based on thorough research and analysis, of committing the gravest crimes under international law, including crimes against humanity and war crimes, and calls for an investigation and prosecution of the crime of genocide. The report documents many of the same violations that Amnesty International has verified through our own investigations.

In northern Rakhine State, Myanmar security forces carried out a widespread and systematic attack on the Rohingya population, killing thousands of women, men and children, raping women and girls, burning several hundred Rohingya villages and forcing more than 700,000 Rohingya into Bangladesh. In Kachin and Shan States in northern Myanmar, the military and, to a lesser extent, ethnic armed groups have committed war crimes and other human rights violations and abuses against civilians, including extrajudicial executions, torture, forced labour, the use of landmines, and indiscriminate shelling. People from ethnic minorities bore the brunt of violations by the military in those states too.

These crimes were committed with the authorities “systematically failing to condemn, investigate and prosecute perpetrators” and obstructing independent investigations. The latest “Independent Commission of Enquiry” established by the Myanmar government, like the eight other national enquiries before it, lacks the independence and impartiality to deliver on accountability. The Commission’s Chairperson has made clear that the body will not pursue justice, stating clearly on 16 August 2018 that there would be no “finger-pointing”, “blaming” or “saying ‘you are accountable.’”

Without accountability, victims and survivors will not get the justice they deserve, and there is little to stop perpetrators from committing such crimes again — as Myanmar’s troubled history has shown.

Given the lack of realistic accountability options at national level, the international community must send a clear, united message that those responsible for these crimes will face justice. The crimes committed in Myanmar also clearly warrant an immediate referral of the situation to the International Criminal Court by the UN Security Council. At the same time, urgent action is needed to collect and preserve evidence and ensure that the perpetrators are not able to get away with their crimes. We urge you to support the Human Rights Council Resolution to establish the independent, impartial mechanism proposed by the Fact-Finding Mission at the current session, and if a vote is called, to vote in favour.

History will judge how the international community – including your government – responds to the atrocities committed in Myanmar. Member states of the UN Human Rights Council should think carefully about which side of history they choose to be on. We urge you to ensure that your government chooses to stand side by side with victims, in pursuit of justice, accountability and human rights.

Yours faithfully,

Kumi Naidoo  
Secretary General, Amnesty International