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ITEM 4: INTERACTIVE DIALOGUE WITH THE FACT-FINDING MISSION ON MYANMAR

HUMAN RIGHTS COUNCIL SHOULD CREATE ACCOUNTABILITY MECHANISM FOR MYANMAR ATROCITIES

UN Human Rights Council
Thirty-ninth session
10-28 September 2018

Mr. President,

I have the honour to make this statement on behalf of Human Rights Watch and Amnesty International.

This past year has seen one of the darkest chapters in Myanmar's recent history. 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. As one survivor told the Fact-Finding Mission: "*I was lucky, I was only raped by three men.*" 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, particularly those from ethnic minorities.

The report presented by the Fact-Finding Mission today provides compelling evidence that the Myanmar security forces have committed the gravest crimes under international law, including crimes against humanity, war crimes and possibly genocide.

These crimes were committed by a military operating largely outside the law, with the authorities "*systematically failing to condemn, investigate and prosecute perpetrators*" and obstructing independent investigations. Even this year, Myanmar's military authorities, referring to the Rohingya, stated: "*Despite living among peacocks, crows cannot become peacocks.*"

Given the gravity of the findings of this report, this Council needs to send a clear, united message that those responsible for these crimes will face justice. Without accountability, such crimes are likely to be repeated—as Myanmar's history has shown.

The crimes committed in Myanmar clearly warrant an immediate referral of the situation to the International Criminal Court, and we urge this body to request that the UN Security Council make such a referral without further delay.

We also urge this Council to take urgent action this session to establish the independent, impartial mechanism proposed by the Fact-Finding Mission – to collect and preserve evidence and to prepare case files for future prosecutions. Such a mechanism is urgently needed to facilitate and expedite prosecutions by the ICC, or other international and national courts and tribunals.

History will judge how this Council and its members respond to the atrocities committed in Myanmar. Member states should think carefully about which side they choose to be on – standing side by side with victims in pursuit of justice and accountability, or shielding perpetrators from scrutiny for the most serious crimes under international law.

Thank you Mr. President.