



Myanmar: Human Rights NGOs call for robust EU action for justice

Joint Public Statement by: Amnesty International, Christian Solidarity Worldwide and International Federation for Human Rights (FIDH)

Since October 2016, the Myanmar security forces have driven more than 810,000 Rohingya women, men and children into Bangladesh as a result of successive operations in northern Rakhine State marked by crimes under international law. Security forces killed thousands of Rohingya women, men, and children, raped hundreds of Rohingya women and girls and burned several hundred villages to the ground. Human rights violations, including systematic discrimination and segregation, are ongoing against the Rohingya who remain in Rakhine State, and have forced more than 13,000 Rohingya to flee to Bangladesh since the beginning of 2018.

In northern Myanmar, fighting between the Myanmar military and ethnic armed groups continues, with reports of Myanmar soldiers unlawfully killing civilians as well as carrying out arbitrary detentions and torture. During the last seven years, the Myanmar military has committed war crimes and other serious human rights violations against civilians from ethnic minorities in Kachin and Shan States, displacing more than 100,000 people.

Across Myanmar, the space for freedom of expression is dramatically shrinking, and journalists, human rights defenders and activists face threats, intimidation, arrest and even imprisonment in connection with their peaceful activities. Two Reuters journalists were recently sentenced to seven years in prison for reporting on military atrocities in Rakhine State.

In late August 2018, the United Nations Fact-Finding Mission on Myanmar (FFM) released a [report](#) documenting the Myanmar security forces' crimes under international law against the Rohingya and against ethnic minorities in northern Myanmar. Their findings and recommendations underline the urgent need for an independent criminal investigation. The FFM concluded that the Myanmar authorities are "unable and unwilling" to initiate such an investigation or bring to justice those responsible.

After leading on the creation of the UN Fact-Finding Mission, the European Union (EU) has the responsibility to act to ensure justice and accountability for crimes under international law. Any failure to do so sends a dangerous message that Myanmar's military will not only enjoy impunity but is free to commit such atrocities again.

The European Union and its member states must act together to:

- **Ensure a robust resolution at the UN Human Rights Council (HRC)** establishing an independent mechanism to collect, consolidate, preserve, and analyse evidence of crimes under international law and other human rights violations and abuses, and to prepare files to facilitate and expedite fair and independent criminal proceedings in national or international courts or tribunals that do not involve seeking or imposing the death penalty. The EU should ensure that the Mechanism has a mandate to investigate crimes committed throughout Myanmar, with a particular emphasis on the situations in Rakhine, Kachin and Shan States, and with a temporal jurisdiction dating to 2011, if not earlier.
- **Ensure the UN Security Council refers the situation in Myanmar to the International Criminal Court (ICC)** as a matter of urgency. Crimes under international law have been committed across the country

– including in Rakhine, Kachin and northern Shan States. The UN Security Council has a responsibility that all these crimes are investigated and those responsible held to account.

- **Support the ICC and the Office of the Prosecutor (OTP)** should the Prosecutor formally open a preliminary examination and/or request judicial authorisation to begin an investigation into crimes committed against the Rohingya. The ICC Pre-Trial Chamber recently ruled that the Court has jurisdiction over crimes for which an element or part of the crime took place on the territory of Bangladesh, which is a State Party to the Rome Statute. The Court ruled it had jurisdiction in particular over the crime against humanity of the deportation of the Rohingya population from Myanmar to Bangladesh, and also referenced the crimes against humanity of persecution and of “other inhumane acts”.
- **Publicly call on the Myanmar authorities to immediately and unconditionally release all those detained or imprisoned simply for the peaceful exercise of their human rights**, and drop all charges pending against those who are facing criminal proceedings for the peaceful exercise of their rights. The authorities should also review and amend laws which restrict the rights to freedom of expression, association and peaceful assembly to bring them into line with international human rights law and standards.
- **Impose targeted financial sanctions against additional senior Myanmar officials** responsible for crimes under international law and other serious human rights violations, taking into consideration in particular the individuals identified in the UN Fact-Finding Mission report.
- **Ensure the UN and humanitarian organizations have full and unfettered access to communities in need.**
- **Ensure that any international aid, development projects, or financial assistance to Myanmar, and Rakhine State in particular, are explicitly and specifically conditioned on non-discrimination, non-segregation, and equality.** Conduct rigorous and ongoing assessments of all projects and assistance to ensure they are implemented in a way that does not entrench, support, or perpetuate discrimination and segregation or would be detrimental to the safe, voluntary, and dignified return of Rohingya refugees.
- **Ensure full, sustained backing and follow up of the FFM’s recommendations in all EU and member state relations with Myanmar.**
- **Make full use of the forthcoming opportunities to engage the Myanmar authorities on these urgent human rights concerns** at the UN General Assembly, the Asia-Europe Meeting (ASEM) and the Everything But Arms (EBA) visit to Myanmar in the coming months.