

Accountability for atrocities in Myanmar 'cannot be expected' within its borders – UN investigator

Continued denial of the facts and evidence of gross human rights violations by Myanmar is a clear indication of the country's "lack of interest" in establishing a fully functioning democracy based on individual rights and freedoms, two United Nations independent experts have underscored.

"Myanmar stands at a crossroads," said Marzuki Darusman, the Chair of the Independent International Fact-Finding Mission on the country, told journalists at the UN Headquarters, in New York, on Wednesday.

It can choose to acknowledge the serious human rights violations and honour the call for accountability, or it can continue on its present path of self-destruction, he added.

In September, the Fact-Finding Mission issued a hard-hitting report concluding that the widespread and systematic violence against Myanmar's minority Muslim Rohingya community by the *Tatmadaw* (Myanmar's armed forces) and other security forces amounted to "the gravest crimes under international law."

Even now, atrocities continue to be committed in Myanmar, and the remaining Rohingya community continues to suffer ... it is an ongoing genocide – *Marzuki Darusman*

Mr. Darusman also spoke strongly against a "hardened position" adopted by the Myanmar Government, its "continued denials" and "attempts to shield itself [citing] national sovereignty" as the greatest obstacles to ensuing accountability, rule of law and respect for human rights in the country.

That response by the Government "only strengthens the case" that the international community needs to act as "accountability cannot be expected from national processes", he continued.

In its report, the Fact-Finding Mission also called on the UN Security Council to refer Myanmar to the International Criminal Court (ICC), or to an ad hoc tribunal for investigations and prosecutions for the crimes.



UNHCR/Andrew McConnell

Rohingya refugees cross the Naf River (at the border of Bangladesh and Myanmar) to reach refugee camps in Bangladesh after fleeing their homes in Myanmar.

Time to impose targeted, individual sanctions against top officials

Mr. Darusman reiterated the call inside the 15-member Council on Wednesday afternoon: "Unless impunity is addressed, violence and its associated atrocity crimes will continue to occur," he said.

The head of the Fact-Finding Mission also called on Council members to impose "targeted, individual sanctions" against those most responsible for serious crimes under international law, noting that the report identified six of *Tatmadaw's* most senior Generals, with command responsibility for the "clearance operations" in Rakhine state, starting with its Commander-in-Chief.

"They must cease to benefit from all international support, both intuitively and personally. This includes an arms embargo on Myanmar and a prohibition of all transactions with *Tatmadaw*-affiliated enterprises," he urged.

Discussion over the Mission's report went ahead after an objection on the subject was defeated by a vote of 9 in favour of the discussion, 3 against and 3 abstentions.

Continuing harassment of human rights defenders and journalists

Speaking alongside Mr. Darusman at the press conference, Yanghee Lee, the UN Special Rapporteur on the human rights situation in Myanmar, called on the Security Council "to come together" and refer the country to the

International Criminal Court (ICC) without any delay.

She also said that harassment of lawyers, journalists and human rights defenders continues, and voiced concern over prevailing impunity in the country.

The civilian Government in Myanmar “can do a lot” to address the situation, said Ms. Lee, adding: “but they are either tacitly or explicitly choosing not to do anything.”



UN Photo/Evan Schneider

Special Rapporteur on the human rights situation in Myanmar Yanghee Lee (left) speaks to the press at the UN Headquarters in New York. To her left is Marzuki Darusman, the chair of the Independent International Fact-Finding Mission on the country.

Every relevant UN organ and entity ‘must act’ to end cycles of violence in Myanmar

While in New York, the chair of the Fact-Finding Mission also appealed to the General Assembly to support preparations for prosecution during its current session.

“We welcome the decision of the Human Rights Council to establish an Independent Mechanism to immediately begin preparing for prosecution and we call on the General Assembly to fully support it,” said Mr. Darusman.

“If the cycles of violence are to be stopped and if the United Nations Charter is to have any meaning, every relevant [UN] organ and entity must act.”

The [final report](#) of the Fact-Finding Mission was presented to the General Assembly on Tuesday.

The [Independent International Fact-Finding Mission on Myanmar](#) was established by the Geneva-based Human Rights Council, in March 2017, to look into the alleged human rights violations by military and security forces, and abuses, in Myanmar, in particular in Rakhine State.

UN Special Rapporteurs and independent experts are appointed by the Human Rights Council to examine and report back on a specific human rights theme or a country situation. The positions are honorary, and the experts are not UN staff, nor are they paid for their work.