



# HUMAN RIGHTS COUNCIL - 48<sup>th</sup> SESSION

## Interactive dialogue on the report of the Independent Investigative Mechanism for Myanmar

[Mr. Nicholas Koumjian, Head of the Independent Investigative Mechanism for Myanmar:](#)

- *Report of the Independent Investigative Mechanism for Myanmar: [A/HRC/48/18](#)*

Four years since the military's 2017 clearance operations in Rakhine state, **hundreds of thousands of Rohingya** remain living in **temporary shelter in Bangladesh**, their lives on hold, hoping to return to homes many of which have been burned and bulldozed.

Since the **military seized power in February 2021**, the Mechanism has received reports on the use of **unjustified force against peaceful protestors, arbitrary arrests, torture, enforced disappearances and killings**. Thousands of people have fled their homes in various regions, devastating the economy of Myanmar and straining the resources of neighbouring states. More than ever, there is a need to end impunity and to break this cycle of violence.

To date, the Mechanism has collected over 219,000 information items related to post-coup events. Initial analysis indicates that these **crimes are both widespread and systematic in nature**. Preliminary evidence shows that about a **thousand civilians have been killed**. The evidence shows security forces acting in a **coordinated manner across different regions**, systematically targeting specific categories of persons, such as **journalists and medical professionals**. Many **thousands have been detained** without due process of law.

Under international law, crimes such as **killings and arbitrary detentions** committed as part of a **widespread or systematic attack** on a civilian population are **crimes against humanity** and thus fall within the Mechanism's mandate.

We are committed to ensuring that the Mechanism always upholds the core principles of **independence and impartiality**. We pursue **accountability** irrespective of the race, ethnicity, religion or political affiliation of the victims or the perpetrators. We also pursue innovative strategies for collecting evidence, which we consider essential given that the authorities in power in Myanmar have **denied us access to crime scenes and potential witnesses**.

The Mechanism places particular attention on the **investigation of sexual and gender-based crimes and crimes against children** because while very prevalent in conflict situations and devastating to societies, these crimes are often under-reported and under-prosecuted in criminal justice systems.

The mandate given to the Mechanism is to collect evidence and build case files that can facilitate criminal prosecutions in national, regional or international courts. Many challenges remain. Investigating international crimes is a complex, time-consuming process. It requires proof to the high standards necessary for criminal convictions. Since the Mechanism is not a court, **accountability for the crimes we investigate depends upon finding competent authorities willing and able to hold the perpetrators accountable in fair proceedings**. We will then share our evidence as we have begun to do for proceedings in the International Criminal Court and the International Court of Justice.

With the **support of this Council**, we will continue to do all we can to collect evidence of the most serious **international crimes** so that one day, there will be **justice for victims from Myanmar** and all will know that **impunity** for such crimes will no longer be tolerated.



### Interactive dialogue with States and Civil Society

**20 States** took the floor during the Interactive Dialogue.

Most of the States reiterated their support for the **mandate of the Independent Investigative Mechanism for Myanmar**. They urged **Myanmar to cooperate** with the mandate of the Mechanism and to **provide it meaningful and unimpeded access** on its territory.

When taking the floor, States expressed their deep concerns about the **widespread human rights violations** against **civilians** committed by the **military forces** in Myanmar since the February coup, including **arbitrary arrests, enforced disappearances, torture** and **disproportionate use of force against protesters**. States reaffirmed that **accountability** was key for **peace and justice** in Myanmar.

Some States emphasized that the crimes committed since the February coup by the military junta may amount to **war crimes and crimes against humanity** (Finland on behalf of Nordic-Baltic countries, Austria, Namibia).

Many States commended the Mechanism for its **specific focus on the investigation of sexual and gender-based crimes and crimes against children** in Myanmar (Finland on behalf of Nordic Baltic countries, Liechtenstein, United States, Ireland, Namibia).

Several States highlighted the dire **situation of the Rohingya population** (Pakistan on behalf of OIC, Egypt, Turkey, Malaysia, Mauritania).

Some States emphasized the need for a **closer cooperation between the Mechanism and the International Criminal Court, the International Court of Justice** and other international mechanisms (Luxembourg, Malaysia, Netherlands).

#### States that took the floor during the Interactive Dialogue (20 delegations)

*Finland on behalf of Nordic-Baltic countries, European Union, Pakistan on behalf of Organization of Islamic Cooperation (OIC), Liechtenstein, France, Indonesia, Luxembourg, Egypt, Australia, Bangladesh, Austria, Netherlands, United States, Turkey, Ireland, Malaysia, Namibia, Mauritania, Malawi, United Kingdom.*

#### 6 NGOs took the floor during the Interactive Dialogue:

*Christian Solidarity Worldwide, Forum Asia, International Bar Association, Asian Legal Resource Centre, International Commission of Jurists, CIVICUS.*

Civil Society condemned the **widespread human rights violations committed by the military forces** in Myanmar, including **murder, persecutions, sexual violence, torture, attacks and use of live ammunitions against peaceful protesters, enforced disappearances, arbitrary arrests**. These violations could amount to **crimes against humanity**, they said. NGOs emphasized the importance of **accountability** to end the ongoing climate of impunity in Myanmar.

Forum Asia stated that the Mechanism was currently the **only viable option for investigation and accountability** for the violations committed by the military junta since February 2021. The International Commission of Jurists expressed the **need to guarantee access to justice** and the importance of allowing **lawyers** to continue their work freely. CIVICUS underlined the importance of **preventing reprisals** for those wishing to cooperate with the Mechanism.

Watch the full ID with the Independent Investigative Mechanism for Myanmar: [HERE \(UN Web.TV\)](#)