

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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Organization: Lawyers' Rights Watch Canada
Item: Item 4: Interactive dialogue with the Special Rapporteur on Myanmar (oral update)
Date: 27 June 2018
Speaker: H el ene Ramos dos Santos

Oral Statement to the 38th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), NGO in special consultative status

Mr. President,

Lawyers' Rights Watch Canada appreciates the Special Rapporteur's update and remains gravely concerned by evidence of deep-rooted impunity for gross human rights violations in Rakhine, Kachin and Shan States. We deplore Myanmar's refusal to cooperate with the Special Rapporteur and this Council's fact finding mission¹ to investigate reported extrajudicial killings, enforced disappearances, torture, sexual violence, arbitrary detention, property destruction, and forced deportation of more than 700,000 Rohingya people.² Acts of suspected genocide include military troops' systematic and brutal mass rapes of Rohingya women and girls.³

Impunity is fostered not only by barring independent investigations, but also by failing to establish an independent judiciary, and by suppressing the work of lawyers, defenders and journalists who fear reprisals⁴ for human rights advocacy and reporting. Two Reuters journalists remain jailed for investigating the September 2017 Inn Din massacre. We continue to await fair trials of suspected masterminds of the January 2017 murder of lawyer Mr. Ko Ni.

While Myanmar has agreed to repatriate Rohingya, government action toward safe return is lacking.⁵ We ask Council to recommend creation of effective international mechanisms to ensure that all returns are voluntary and include guarantees of citizenship rights,⁶ community-led humanitarian assistance to rebuild homes, and protection from further violence or displacement. We call on all members of Council:

- to ask the General Assembly to establish an international mechanism to gather and preserve evidence of international crimes to build cases for future prosecution,⁷ and
- to seek a binding Security Council resolution referring the situation of Myanmar to the International Criminal Court for investigation of international crimes and prosecution of suspects.

Thank you, Mr. President.

¹ Human Rights Council, Fact-finding Mission on Myanmar: concrete and overwhelming information points to international crimes, OHCHR, 12 March 2018, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=22794&LangID=E>.

² These persons, more than half of whom are children, have joined more than 200,000 Rohingya already in refugee camps in Bangladesh, meaning that as of 25 May 2018, the World Health Organization estimated there were approximately 915,000 persons encamped as refugees in Cox's Bazaar, Bangladesh. See <https://www.unocha.org/rohingya-refugee-crisis>.

³ Girls as young as six years of age have been raped. Many rapes have included mutilations that destroy reproductive capacity. See the report of Razia Sultana, BA, MA, LLB, Rape by Command: Sexual violence as a weapon against the Rohingya, Kaladan Press Network February 2018, <http://www.kaladanpress.org/images/document/2018/RapebyCommandWeb3.pdf>. Also see AFP, Nine months on, the search for Rohingya babies born of rape, Sunday Times (South Africa), 17 May 2018, <https://www.timeslive.co.za/news/world/2018-05-17-nine-months-on-the-search-for-rohingya-babies-born-of-rape/>.

⁴ Jessica Abrahams, Rohingya activist wins \$1 million humanitarian prize, Devex, 11 June 2018, <https://www.devex.com/news/rohingya-activist-wins-1-million-humanitarian-prize-92915>.

⁵ Myanmar has made virtually no progress towards substantive implementation of the recommendations of Kofi A. Annan, Chair, *Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine: Final Report of the Advisory Commission on Rakhine State*, August 2017, http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf.

⁶ UN agencies and Myanmar ink agreement, setting stage for Rohingya return, UN News, 6 June 2018, <https://news.un.org/en/story/2018/06/1011491>.

⁷ See, e.g. Yanghee Lee and Georgia Drake, Accountability is the only way to end violence in Myanmar, *The Guardian*, 21 June 2018, <https://www.theguardian.com/world/commentisfree/2018/jun/21/accountability-is-the-only-way-to-end-violence-in-myanmar>; The Honourable Bob Rae, *"Tell Them We're Human": What Canada and The World Can Do About the Rohingya Crisis: Report of the Prime Minister's Special Envoy, the Honourable Bob Rae*, April 2018, p.27, http://international.gc.ca/world-monde/assets/pdfs/rohingya_crisis_eng.pdf.