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End Impunity in Myanmar Now: Four Years Since Commission of Mass Atrocity Crimes Against the Rohingya

In August 2017, the Myanmar military carried out so called “clearance operations” in Rakhine state in Myanmar, committing mass atrocities against the Rohingya population. After the killings, rape, and violent attacks against civilians, the scorched earth policy of razing entire communities, the resulting displacement has forced over a million Rohingya to become refugees, most of them in camps in Cox’s Bazaar, Bangladesh. These atrocities against the Rohingya – which the United Nations Independent International Fact-Finding Mission on Myanmar determined may amount to acts of genocide – have a historical provenance, with discriminatory laws and policies, and numerous atrocities committed over the years.

Four years later, far from ensuring accountability and creating conditions for the safe, voluntary and dignified return of the Rohingya refugees, Myanmar is facing new violence. Six months ago, on February 1, 2021, Tatmadaw, the Myanmar military, declared state of emergency, with the situation in the country characterized as a “multi-dimensional human rights catastrophe” by the UN High Commissioner for Human Rights Michelle Bachelet, in her address to the 47th session of the Human Rights Council. Thus far, the UN estimates that close to a thousand individuals that protested the coup have been killed, with thousands more detained and tortured. The atrocities against the wider population of Myanmar are increasingly being characterized as crimes against humanity, by the UN Special Rapporteur on the Situation of Human Rights in Myanmar, as well as by civil society organizations.

The current situation in Myanmar would not have been possible without years of impunity and lack of accountability for the Tatmadaw’s crimes against minorities in Myanmar, and in particular, against the Rohingya Muslims. It has emboldened and enabled the Tatmadaw, which must be held accountable for serious violations of international human rights law, international criminal law and international humanitarian law, perpetrated now and in the past.

The Asia Justice Coalition [renews its calls](#) for international action to end impunity in Myanmar, to ensure accountability for the Tatmadaw relating to international crimes against the Rohingya, as well as since the 2021 coup. Donors and foreign governments should assist the Rohingya refugees and insist on upholding their right to return.

The Asia Justice Coalition makes the following recommendations to all stakeholders, to support:

- An UN Security Council referral of the situation in Myanmar to the International Criminal Court (ICC) for a full investigation, relating to atrocity crimes against the Rohingya and other ethnic minorities, as well as crimes since 1 February 2021, along with continued support for the ongoing investigation at the ICC.

- Accountability for the lack of compliance with the 23 January 2020 Provisional Measures Order of the International Court of Justice (ICJ), including targeted sanctions, and a global arms embargo.
- The UN Independent Investigative Mechanism for Myanmar (IIMM), which is mandated to collect evidence of the most serious international crimes and violations of international law, encompassing crimes against the Rohingya as well as ongoing violations.
- Instituting cases against individuals in the Tatmadaw and among senior junta leadership in Myanmar, based on universal jurisdiction, in all feasible jurisdictions.
