

Joint Statement

Burma/Myanmar CSOs Stand for Justice and Accountability

We the 79 Myanmar organizations, welcome The Gambia's efforts to hold Myanmar accountable for breaching the Convention on the Prevention and Punishment of the Crime of Genocide at the International Court of Justice (ICJ) for crimes committed against the Rohingya. We welcome Canada and The Netherlands' decision to support The Gambia to hold perpetrators of grave crimes to account and urge other countries to urgently join The Gambia in its efforts.

As Myanmar organizations, we also welcome the State Counsellor, Daw Aung San Suu Kyi's admission on the world stage that crimes have been committed by the Myanmar military, implore her to recognize the gravity of the crimes committed, and to demonstrate her moral leadership and humanity by standing with the victims and survivors who have endured the heinous crimes detailed by The Gambia during the recent proceedings. It is in the highest interest of the nation and national reconciliation to welcome all international accountability processes as domestic accountability has proven to fail the victims and survivors of grave human rights violations.

In her capacity as the Union Minister, Ministry of Foreign Affairs, Daw Aung San Suu Kyi took the stand at the ICJ over the course of 10 – 12 December 2019 as the Agent for Myanmar. In her statement she admitted that "it cannot be ruled out that disproportionate force was used by members of the Defence Services in some cases in disregard of international humanitarian law, or that they did not distinguish clearly enough between ARSA fighters and civilians. There may also have been failures to prevent civilians from looting or destroying property after fighting or in abandoned villages."

While her characterization of the undeniable and unspeakable crimes committed against the Rohingya as an internal armed conflict between ARSA (Arakan Rohingya Salvation Army) and the Myanmar military and a legitimate response that led to some casualties severely mischaracterizes and downplays the atrocities committed against the Rohingya, we nonetheless welcome her admission of crimes committed by the Myanmar military. At the same time, we express our deep concerns that domestic mechanisms are inadequate in addressing crimes of the magnitude committed against the Rohingya.

While Daw Aung San Suu Kyi continued to lend legitimacy to the military-courts martial, she herself went on to illustrate "that even when military justice works, there can be reversals," offering the example of the soldiers who summarily executed 10 Rohingya men being pardoned by the military only after serving a part of their sentence. "Many of *us* in Myanmar were unhappy with this pardon [emphasis added]," she stated.

How can the people of Myanmar, namely the victims and survivors of grave international crimes, have faith in a system that its own leader is clearly dissatisfied with or lack confidence in? We cannot be asked to entrust our future in a judicial system that is composed of the very institution that has committed heinous crimes against its people for decades, not only against the Rohingya, but against its other ethnic nationalities and religious minorities.

As Daw Aung San Suu Kyi spoke at the ICJ in defense of the military's actions and the domestic justice system, nearly 100 Rohingya appeared in a court in Patheingyi, Myanmar to face charges of illegal immigration. Their only crime was to flee the apartheid-like conditions of Rakhine State without permission, in hopes of a better future in Yangon. Treated like foreigners in their own country, these Rohingya, including 25 children, will likely receive two years in jail for violating the Immigration Act. The Rohingya's right to freedom of movement has been severely restricted, while they continue to live without adequate healthcare, education, livelihoods in an open-air concentration camp-like condition. Urgent measures are needed to ensure that no further lives are lost as a result of the ongoing, systemic persecution and oppression against the Rohingya.

It is clear that the domestic justice system continues to fail the most vulnerable and marginalized people and instead works to protect the impunity of criminals who should be held accountable for the crimes they have committed. Such a system is incapable of prosecuting those who commit the gravest international crimes.

We implore Daw Aung San Suu Kyi to take a moral stand for humanity, for justice and accountability, and for the victims and survivors by telling the world the whole truth, rather than the false versions of events fabricated by the Myanmar military. For decades, ethnic nationalities have had a clear understanding of the meaning of "nae myay shin lin yeh" or "clearance operations". The infamous "Four Cuts Campaign" in ethnic areas, including in Shan, Ta-ang, Pa-Oh, Kachin, Karen, Karenni, Mon and others, intended to drive out ethnic armed organizations from ethnic areas led to hundreds of thousands of ethnic civilians becoming internally displaced or refugees crossing the border to Thailand or other neighboring countries. For ethnic communities, "clearance operation" is synonymous with mass gang rape and sexual violence, murder of families and friends, pillaging of their homes and ancestral lands, torture, and grave crimes that continue to be committed by the Myanmar military in areas where ethnic armed organizations continue to fight for their right to self-determination and a federal democratic Burma/Myanmar. In addition, calling the ethnic armed organizations "insurgents" in an international stage further erodes what little trust remains and is damaging to national reconciliation, as such use of the word contradicts the principles of federal democracy and the very essence or spirit Panglong Agreement that her father, late General Aung San promised to ethnic nationalities.

As those who have inherited the brutal past and is responsible in shaping the future of this nation, we must take the responsibility to ensure that those who have committed these grave crimes are held accountable in an international independent court. Otherwise we can all be seen complicit in passing onto our future generations a nation without dignity, that failed to value humanity – and this will be our legacy.

Justice and accountability are essential for the diverse community of Myanmar to be able to live in harmony and peace. For this reason, we implore the court to fully and impartially exercise its mandate and power. We also urge the international community to show their solidarity in pursuing justice and accountability in Myanmar. Let our good faith actions build Myanmar and a world for all generations to come that captures the best of humanity.

Signed by 79 Myanmar organizations including:

1. Australia Karen Organisation Inc (AKO)
2. Burma Human Rights Network (BHRN)
3. Calgary Karen Community Association (CKCA)

4. California Karen Youth Forum (CKYF)
5. California Shan Social and Cultural Society
6. Coalition of Burma Ethnics Malaysia (COBEM)
7. Eastern Pennsylvania Karen Community (EPKC)
8. Edmonton Karen Community Association (EKCA)
9. Edmonton Karen Community Youth Organization (EKCYO)
10. European Karen Network (EKN)
11. Finland Karen Culture Association (FKCA)
12. International Karen Organization (IKO)
13. Kachin Alliance
14. Kachin Community in UK
15. Kachin National Organization (KNO)
16. Karen American Association of Wisconsin
17. Karen Association of Huron South Dakota
18. Karen Community of Akron (KCA)
19. Karen Community of Canada (KCC)
20. Karen Community of Hamilton (KCH)
21. Karen Community of Illinois (KCI)
22. Karen Community of Iowa
23. Karen Community of Kansas City (KS & MO)
24. Karen Community of Kitchener-Waterloo (KCKW)
25. Karen Community of Leamington (KCL)
26. Karen Community of London (KCL)
27. Karen Community of Minnesota (KCM)
28. Karen Community of North Carolina (KCNC)
29. Karen Community of Ottawa (KCO)
30. Karen Community of Regina (KCR)
31. Karen Community of Saskatoon (KCS)
32. Karen Community of Thunderbay (KCT)
33. Karen Community of Toronto (KCT)
34. Karen Community of Windsor (KCW)
35. Karen Community of Winnipeg (KCW)
36. Karen Community Society of British Columbia (KCSBC)
37. Karen National Community – The Netherlands (KNC)
38. Karen Organization of America (KOA)
39. Karen Swedish Community (KSC)
40. Karen Thai Group (KTG)
41. Karen Youth of Toronto (KYT)
42. Korea Karen Organization (KKO)
43. Karenni-American Association (KnA)
44. Karenni Civil Society Network (KCSN)
45. Koung Jor Shan Refugee Camp
46. Malaysia Karen Organization (MKO)
47. Nationalities Alliance of Burma (USA)
48. New Zealand Karen Association (NZKA)
49. Oversea Karen Organization Japan (OKO-Japan)
50. Progressive Voice (PV)
51. Utica Karen Community (UKC)
52. Zomi International Communities Organization (Leitungbup Zomi Innkuan Kipawlina)

Note: Due to increased harassment, threats and attacks on human rights defenders and CSOs, names of 27 organizations based in Myanmar are not disclosed in the list.

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