



BULLETIN

MESSAGE FROM THE HEAD OF THE MECHANISM

Over the past year, there has been a dramatic increase in violence in Myanmar. A military airstrike in Sagaing in April 2023 made global headlines but, unfortunately, this is just one of numerous attacks against the civilian population that the Mechanism is investigating. We have collected credible evidence of an array of war crimes and crimes against humanity committed across the country, including murder, rape, torture, unlawful imprisonment and deportation or forcible transfer. We are collecting this evidence while it is fresh, analysing it and preparing case files that can be shared with judicial authorities to hold perpetrators of these crimes responsible so that they will face justice.



While we gather and analyse evidence of serious international crimes committed since the military launched a coup on 1 February 2021, we remain focused on investigating earlier crimes and are sharing evidence, information and analytical reports with those working on ongoing cases concerning the Rohingya at the International Criminal Court, the International Court of Justice and in Argentina.

Our work would not be possible without the cooperation of brave individuals and groups who share information and evidence with us, often at substantial risk to their own safety. Civil society organisations, in particular, provide the Mechanism with crucial information and connect us to witnesses and victims. The Mechanism hosted its first Civil Society Dialogue last month, and it was a privilege for my team and me to hear from those working on the frontline of efforts to gather evidence of serious international crimes and to support those most affected.

Our aim was to increase mutual understanding, and the participants left this meeting with a much firmer grasp of how the Mechanism works, and what it can and cannot do. My team and I also strengthened our understanding of the challenges that civil society groups face, and we are looking at ways we might adapt our work accordingly. Most of all, we heard their fears for their security, their trauma from all that they have experienced, and their frustration at not seeing justice served.

As we explained to the Dialogue participants, the Mechanism is focusing all its efforts to ensure that there will be justice for these heinous crimes. We are collecting, preserving and analyzing evidence now so that it will be available for use by judicial authorities in the future. Serious international crimes have no statute of limitations – this means that there is no time limit for perpetrators to be prosecuted, and we are working to ensure that those responsible for these crimes will one day be held accountable.

Nicholas Koumjian

INSTITUTIONAL UPDATE



The Mechanism continues to receive credible evidence that numerous war crimes and crimes against humanity are being committed in Myanmar. Tragically, the frequency and intensity of these crimes have only increased in recent months. Given the enormous increase of violence in Myanmar, the Mechanism is focusing its investigations on the gravest incidents and where the impact on victims is most severe, while continuing to investigate earlier crimes, particularly those committed during the 2016 and 2017 clearance operations in Rakhine State.

The Mechanism has collected substantial information from over 700 sources and continues to harvest information from documents, photographs, videos, geospatial imagery, social media posts and other open source materials. It has also significantly increased the collection of witness testimony from survivors, eyewitnesses and defectors, resulting in over 200 witness statements and screening notes.

Its processes for collecting, preserving, analysing and managing information and evidence have become increasingly more complex and sophisticated, using state-of-the-art technology tools and solutions. This has enabled the expansion of the amount of information and evidence available for sharing with relevant authorities and entities. To date, over 135 packages with supporting information and analysis are available for sharing.

More details about the Mechanism's investigations and progress will be published in the Annual Report on 8 August 2023, and the Head of the Mechanism will present the Report to the Human Rights Council on 11 September and brief the General Assembly later in the year.

OUR WORK IN NUMBERS

Information and evidence
collected from over

700

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Over

200

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Over

135

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OPEN SOURCE INVESTIGATIONS

The Mechanism's team of open source investigators locate and analyse a range of publicly available material found online, including videos, photographs, audio recordings, official pronouncements and informal accounts of events on social media platforms and in the press.

Such open source information has, in some cases, included reliable and direct evidence of crimes, and often directs investigators to other important sources of information not previously known to the Mechanism. This has helped a number of investigations to move forward. The Mechanism carries out a vigorous verification process to identify any misinformation or 'deep fakes'.

Open source material is a valuable source of information and evidence, particularly since Myanmar has not granted the Mechanism access to the country and the potential crime scenes.

COOPERATION

The support of Member States and other partners remains crucial for the Mechanism to effectively carry out its mandate. The Mechanism has met with Member States and other actors in-person in Geneva, New York and numerous capitals to promote its mandate and advance cooperation arrangements for its collection and investigation activities in the territories of Member States. To date, Myanmar has not responded to the Mechanism's requests for information and access to its territory.

In April 2023 ([resolution 52/31](#)), the Human Rights Council urged United Nations' bodies to cooperate with the Mechanism, and called on the United Nations High Commissioner for Human Rights and the Special Rapporteur on the situation of human rights in Myanmar, where possible, to share evidence with the Mechanism to support future prosecutions. The Mechanism appreciates the ongoing cooperation with its United Nations colleagues and looks forward to working closer together for the mutual cause of justice in Myanmar.

FINANCIAL INVESTIGATIONS

To enhance the prospects of accountability and justice for victims, the Mechanism's investigations now integrate the collection and analysis of financial information and evidence. The Mechanism is examining financial information relevant to military and civilian officials, corporate actors and others that may have contributed to or benefitted from serious international crimes in Myanmar since 2011.

The Mechanism's financial investigators are focusing their efforts on examining networks and links between individuals, corporate entities and groups of interest; weapon supply chains; and the dispossession of land, homes and businesses, particularly during the 2016 and 2017 clearance operations in Rakhine State.

Identifying the proceeds, property and assets of those potentially responsible may also improve prospects for tracking perpetrators and enable their prosecution and possible sources of restitution.

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cooperation frameworks
with national authorities
concluded.

OUTREACH

The Mechanism is consistently engaging with victims, witnesses, civil society organisations (CSOs), Member States and others who are committed to justice and accountability for the people of Myanmar. It uses a diverse range of closed-door and public channels to raise awareness of its mandate and how it works, to build trust and to support its investigations.

CIVIL SOCIETY DIALOGUE

CSOs are vital sources of information for the Mechanism, and it has long been a goal to hold regular in-person dialogues with them to build mutual trust and understanding, strengthen relationships and deepen cooperation. The first Civil Society Dialogue was held in May, bringing together representatives from 20 diverse CSOs and senior leadership, lawyers and investigators from the Mechanism.

Over three days of discussions, Mechanism personnel explained in detail the current accountability landscape in relation to Myanmar, the Mechanism's mandate and ways of working, and how the information shared with it is used to build case files. CSO participants discussed the realities and challenges they face in their work, and how this impacts their engagement with the

Mechanism. They conveyed their concerns regarding security, psychosocial support and other challenges, which will help inform the Mechanism's methods of working and improve collaboration. Representatives from the International Criminal Court and from a Syrian organisation supporting universal jurisdiction cases led discussions on how international justice and accountability processes work in practice.

Following the event, the participants expressed a strong willingness to cooperate with the Mechanism and a far deeper understanding of its mandate, including its limitations. The Dialogues will be an ongoing component of the Mechanism's outreach work, with regular in-person events planned with relevant CSOs.

FACEBOOK

With over 75,000 followers, the Mechanism's [Facebook](#) page is a key channel to reach an audience concerned about justice and accountability in Myanmar. Two recent series of content in English and Burmese had high levels of engagement.



Legal concepts explained simplified legal terms so that people can better understand the nature of serious international crimes investigated by the Mechanism.



Question of the week provided short answers to questions the Mechanism frequently receives.

UPDATES ON ONGOING LEGAL PROCEEDINGS

INTERNATIONAL COURT OF JUSTICE (ICJ) – THE GAMBIA V. MYANMAR

In 2019, The Gambia, on behalf of 57 members of the Organisation of Islamic Cooperation, filed a case at the ICJ alleging that Myanmar failed to fulfill its obligations to prevent and punish acts of genocide committed against the Rohingya in Myanmar as required under the Genocide Convention. In 2022, the ICJ rejected Myanmar's preliminary objections, noting the Convention's central purpose is the 'common interest' of all signatories to ensure the prevention and punishment of genocide and that The Gambia has the right to initiate proceedings against a fellow signatory in light of this 'common interest'.

Next, the ICJ is expected to consider the parties' arguments on the merits of the case. Myanmar has been directed to file its response to The Gambia's claims by 24 August 2023, following its request for an extension of the time limit.

INTERNATIONAL CRIMINAL COURT (ICC) – SITUATION OF BANGLADESH/MYANMAR

In 2019, the ICC Prosecutor was authorized to investigate crimes related to the forced deportation of Rohingya from Rakhine State in Myanmar across the border into Bangladesh.

The Mechanism has been cooperating closely with the Office of the Prosecutor and sharing information and evidence.



ARGENTINIAN COURT

Following a petition for a universal jurisdiction case in 2019, an investigative judge with the Federal Criminal Court of Argentina commenced investigations in 2021 into alleged serious international crimes committed against the Rohingya in Myanmar.

The judge delegated investigative powers to the Federal Prosecutor's office in 2022, who requested the Mechanism's support. Since then, the Mechanism has been assisting and sharing evidence with the Prosecutor's office.



FREQUENTLY ASKED QUESTIONS

HOW DOES THE MECHANISM CHOOSE WHICH INCIDENTS TO INVESTIGATE?

The scope and frequency of potential international crimes taking place in Myanmar has increased dramatically. The Mechanism receives regular reports of indiscriminate attacks and heinous crimes perpetrated by members of the security forces and armed groups against civilians.

Considering its limited resources and the length of time taken for each investigation, the Mechanism must prioritize which incidents it investigates. To do this, it assesses the nature, gravity and scale of the crime, how it was committed, and the impact on victims.

It also looks at the strength of the available evidence, the prospect of an investigation meeting international criminal standards, the likelihood of a court or tribunal taking jurisdiction over the crime, and the possibility of building a case against the alleged perpetrator. Incidents that include sexual and gender-based crimes and crimes against and affecting children are prioritized.

IS IT A SERIOUS INTERNATIONAL CRIME FOR ARMED FORCES OR GROUPS TO RECRUIT OR USE CHILDREN IN ARMED CONFLICT?

The Mechanism is reviewing reports it has received of children under the age of 15 participating actively in hostilities. The recruitment of anyone under 15 by armed forces or armed groups, or using them to participate actively in hostilities, is a war crime under international criminal law.

This also applies when a person seeks to join an armed force or group voluntarily. A person is considered to be actively participating in hostilities not only when they are armed and engaged in combat action, but also when they gather intelligence information about opposing forces, convey orders, or transport ammunition or other military items.

Commanders are liable for this crime when they are sure that someone under their command is under 15, and also when they 'should have known' this to be the case. Physical appearance can be sufficient for a commander to consider that a person is under 15.



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