

Going in Depth On: Burma

The UN Fact-Finding Mission on Burma [released](#) its full report this week, in which it detailed the human rights violations, including atrocity crimes, that took place over the course of the past several years. The report, which was presented to the UN Human Rights Council on 18 September, focused mainly on the abuses against the Rohingya population, but also detailed and examined the United Nations' own response to the human rights situation. Grave breaches of international human rights, including crimes against humanity, war crimes, and genocide, were detailed, and the Mission concluded that there was evidence enough for the UN Security Council (UNSC) to refer the situation to the International Criminal Court (ICC).

In response to the Mission's presentation, UN High Commissioner for Human Rights, Michelle Bachelet asked for the establishment of an independent and impartial international mechanism to prepare criminal proceedings over the violations against the Rohingya, and for the Human Rights Council (HRC) to make a resolution to bring the issue before the General Assembly to "expedite fair and independent trials in national and international courts." NGOs, such as Human Rights Watch and Amnesty International, [welcomed](#) her announcement and urged the HRC to establish this accountability mechanism and prepare cases for prosecution.

Investigators also [critiqued](#) the organization's own failure to protect the Rohingya. The report noted the failure of UN agencies and actors in implementing its Human Rights Up-Front Approach, finding that personnel trying to take action for implementing a human rights agenda in the country were silenced or criticized for trying to do so. Some UN bodies and staff showed no willingness to cooperate and work together to address the human rights challenges in Burma, which might have prevented the mass atrocity situation faced by the Rohingya. As such, the report asks for a "comprehensive, independent inquiry into the United Nations' involvement."

Other international bodies have taken steps to address the atrocity crimes in Burma. With the ICC ruling it has jurisdiction over the alleged forced deportation of Rohingya into Bangladesh, Fatou Bensouda, Prosecutor for the ICC, [issued](#) a statement announcing the Court would begin a preliminary examination on the matter. This preliminary examination will assess the evidence and information in order to determine whether or not a formal investigation can be opened. As Burma is not a signatory of the Rome Statute, the Court only has jurisdiction over crimes that occurred in Bangladesh.

With the Burmese government and UN agencies beginning to implement their MOU for the repatriation of Rohingya, further attention is also being paid to the current state of affairs in the Rakhine. Returnees allegedly [face](#) harassment if caught by the Border Guard Force. Refugees attempting to visit their homes reported torture and being forced to lie to the press that they were well-treated. Human Rights Watch and the Arakan Project interviewed several

men who reported beatings, burning, electric shocks, and cutting, as well as being held in detention in deplorable conditions.

Amidst all the developments and news out of Burma the past few weeks, the discussions and debates over human rights, preventing atrocity crimes, and how to address them are likely to solicit a fair amount of attention at UNGA and side events over the course of the next few weeks.

What We've Been Watching:

RtoP and UNGA73:

On 17 August a cross-regional group of nine member states (Afghanistan, Denmark, Guatemala, Japan, Netherlands, Romania, Rwanda, Ukraine and Uruguay) submitted a request for the inclusion of a supplementary item entitled “the responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity” (A/73/192) on the UNGA Agenda for the 73rd session. On Wednesday, 19 September, the UN General Committee adopted this suggestion by a vote of 17 to 4, with 5 abstentions. As of the time of writing, no member states called for a vote on the issue. The General Assembly with adopt its new session agenda on 21 September.

Protection of Civilians and International Law: [Grey Zones: Is International Law Fit for Purpose to Protect Civilians?](#) (Justice in Conflict)

Mark Lattimer, the Executive Director of the Ceasefire Centre for Civilian Rights, recently

published *The Grey Zone: Civilian Protection Between Human Rights and the Laws of War* examined the question of if international law was adequate in protecting civilians as armed conflicts continue to arise across the globe. As conflicts continue to include non-state actors, “international armed groups,” and often involve civilians, situations arise that international law, such as the Geneva Convention, its Protocols, and human rights treaties “couldn’t have envisioned.” Owing to this grey area, the book argues that we must reframe the question, “rather than identifying gaps in the law, the challenge is to determine which set of laws or legal regimes apply.”

Liberia: [At UN, President Should Back Justice](#) (Human Rights Watch)

80 NGOs, including ICRtoP coalition members World Federalist Movement - Institute for Global Policy and Human Rights Watch, released a letter calling on Liberian President George Weah to support justice for mass atrocity crimes committed during the country’s civil war, which ended in 2003. Despite the conflict ending 15 years ago, Liberia has yet to take steps to initiate the prosecution for the widespread crimes against civilians. The timing of this letter is also apt, as a Liberian District Representative and Presidential Candidate, Jeremiah K. Koung, [rejected](#) a report calling for the creation of a War and Economic Crimes Court earlier in the week.

But Also Don’t Miss:

Burundi: [Burundi threatens to quit UN Human Rights Council, sue critics](#)

After facing growing criticism in the Human Rights Council over its cooperation with the OHCHR Commission of Inquiry, including by High Commissioner Bachelet, the country says it reserves its right to withdraw from the Council.

Cameroon: [Violence Continues to Disrupt Life in Many Parts of Cameroon](#)

Clashes between separatists and military forces in the Anglophone regions of Cameroon continue to threaten civilians, causing many to flee their homes.

China: [China holds one million Uighur Muslims in concentration camps](#)

The UN reported that in China, one million Uighur Muslims have been displaced to concentration-like camps “for indoctrination”, exposing the risk of a potential ethnic cleansing in the country.

Iraq: [Turkey/Iraq: Strikes May Break Laws of War](#)

Turkish military operations against the Kurdistan Worker’s Party (PKK) in Iraq should be investigated, according to Human Rights Watch, as their research found that four operations killed at least seven civilians.

Nicaragua: [The ongoing political crisis in Nicaragua is putting populations at risk of potential crimes against humanity](#) (Global Centre for the Responsibility to Protect)

The Global Centre for the Responsibility to Protect warns that the crisis in Nicaragua could result in crimes against humanity, and urges the OAS, the UN, and the national government to work together to ensure accountability.

Nigeria: [Flawed Trials of Boko Haram Suspects](#) (Human Rights Watch)

Human Rights Watch said that the process of prosecuting Boko Haram members in Nigeria is showing many “legal shortcomings,” and that authorities are failing to prioritize those who have committed atrocities.

South Sudan: [South Sudanese government must bring soldiers under control, urges UN mission chief, as peacekeeper is shot and injured](#)

Head of the United Nations Mission in South Sudan (UNMISS), David Shearer, spoke critically of the South Sudanese government and military officials after the fatal shooting of a UN Peacekeeper, and blamed a lack of command and control following the peace deal.

South Sudan: [South Sudan war crimes: UN calling for forming hybrid court](#)

The UN Human Rights Council called on the government of South Sudan to establish a hybrid-tribunal to try for crimes of ethnic cleansing, sexual violence, and use of child soldiers.

Syria: [Agreement over buffer zone to spare civilians in Syria’s Idlib welcomed by top UN officials](#)

Turkey and Russia agreed to establish a demilitarized zone in Idlib, Syria, in order to protect civilians in the area. UNSG Guterres commended the agreement and urged warring parties to allow for safe humanitarian access throughout the country.

Venezuela: [Joint statement by UNHCR and IOM on the appointment of Mr. Eduardo Stein, as a Joint Special Representative for Venezuelan refugees and migrants in the region](#)

UNHCR and IOM announced the appointment of Mr. Stein, as a Joint Special Representative for Venezuelan refugees and migrants, who will promote coordination among all stakeholders and a regional approach to the migration crisis among governments.

Yemen: [Saudi-led coalition cuts off crucial supply route in blow to Houthi rebels](#)

Following the resumption of airstrikes, the Saudi-led coalition cut access along the main road between the port of Hodeidah and the capital Sanaa, threatening the delivery of humanitarian aid throughout the country.

Let us know what you think!

We would appreciate it if you could take two minutes of your time to answer a few questions on our reboot. Please [follow the link](#) and complete the survey by 30 September.

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