

The New York Times Asia Pacific

Myanmar Generals Should Face Genocide Charges Over Rohingya, U.N. Says



A United Nations panel found that evidence against Senior Gen. Min Aung Hlaing and five other generals in Myanmar made it a priority to try them in an international court in relation to “the gravest crimes” against Rohingya Muslims and other minorities. Credit...Ye Aung Thu/Agence France-Presse – Getty Images



By **Nick Cumming-Bruce** > Aug. 27, 2018

GENEVA — Myanmar’s army commander and other top generals should face trial in an international court for genocide against Rohingya Muslims and for crimes against humanity targeting other ethnic minorities, United Nations experts said on Monday after a yearlong investigation.

[Senior Gen. Min Aung Hlaing, the commander in chief of Myanmar’s army](#), is one of six generals named as priority subjects for investigation and prosecution by a United Nations Fact Finding Mission on Myanmar in [a report detailing military campaigns involving atrocities](#) that “undoubtedly amount to the gravest crimes under international law.”

The three-member panel leveled the most serious charge, genocide, over [the ferocious campaign](#) unleashed by the Buddhist-majority security forces against Rohingya Muslims a year ago. That campaign, in the state of Rakhine, sent more than 700,000 fleeing across the border to Bangladesh.

Myanmar has rejected allegations of widespread atrocities, asserting that its security forces were simply responding to attacks by Rohingya militants on Myanmar police posts and an army station on Aug. 25 last year. But the panel said there was enough information to warrant investigation and prosecution of senior officers “so that a competent court can determine their liability for genocide.”

[Read: [U.N. court orders Myanmar to protect Rohingya Muslims.](#)]

In an 18-page report released on Monday, the panel described the Rakhine operations as a “foreseeable and planned catastrophe” building on decades of oppression of Rohingya Muslims. Myanmar has long [falsely classified the Rohingya as “Bengali” immigrants from Bangladesh](#), denying them citizenship and making them vulnerable to attack, including previous assaults in 2012 and 2016.

The panel found evidence of genocidal intent in the operation, citing the prevailing rhetoric of hate directed at the Rohingya and statements by military commanders as well as “the level of organization indicating a plan for destruction; and the extreme scale and brutality of the violence.”

- **Thanks for reading The Times.**

The panel said estimates of 10,000 deaths in the Rakhine campaign were conservative and cited [harrowing witness accounts](#) of mass killings, gang rapes of women and young girls and the wholesale destruction of villages by the military, known as the Tatmadaw.

Myanmar’s civilian leader, Daw Aung San Suu Kyi, and other civilian authorities “contributed to the commission of atrocity crimes” by failing to use their positions to stop them, the panel said.

[Continue reading the main story](#)

Elsewhere, “scorched earth” operations by the military against Kachin and Shan ethnic minorities in northern Myanmar revealed similar patterns of attacks and sexual violence against civilians, the panel said.



Image -- Rohingya Muslims in a no-man’s land between Bangladesh and Myanmar, seen from Muangdaw Township in Northern Rakhine in July. Credit...Adam Dean for The New York Times

The three-member panel — led by Marzuki Darusman, a former Indonesian attorney general — is to present its report to the Human Rights Council in Geneva next month along with an annex that runs more than 400 pages and includes witness testimony of atrocities and [detailed satellite imagery](#) analysis.

The accounts, collected from victims and eyewitnesses, “will leave a mark on all of us for the rest of our lives,” Mr. Darusman told reporters in Geneva.

Myanmar refused access and cooperation to the investigation, which based its report on 875 interviews and documents compiled in numerous field missions to Bangladesh and neighboring countries. “Only verified and corroborated information was relied upon,” it said.

The panel report detailed attacks carried out by [a Rohingya militant group, the Arakan Rohingya Salvation Army](#), including the raids last August, and it reported abuses carried out by other ethnic armed groups in the north. But it said that “military necessity would never justify killing indiscriminately, gang-raping women, assaulting children and burning entire villages.”

The Tatmadaw’s tactics were “consistently and grossly disproportionate to actual security threats” in Rakhine State and in Myanmar’s north, it said.

The United Nations human rights chief, Zeid Ra’ad al-Husseini, has previously condemned the army’s actions as ethnic cleansing and possibly genocide, but the panel’s unequivocal assertion is likely to increase pressure for immediate international action.

The panel said the United Nations Security Council should refer Myanmar to the International Criminal Court or set up an international tribunal like those that investigated genocide and atrocities in Rwanda and the former Yugoslavia. It also urged the Council to impose an arms embargo on Myanmar and penalize those most responsible for crimes with travel bans and a freeze on assets.

The panel members said on Monday that the Tatmadaw commander should resign as a first step toward achieving accountability for the military’s crimes, but there was no immediate sign of any change in his position of power. Over the weekend, General Min Aung Hlaing returned from Russia, where he attended a military forum and shopped for weapons. Both Russia and China have shielded Myanmar from formal criticism from the Security Council.



Image -- *The interior of a destroyed mosque in Northern Rakhine. Credit...Adam Dean for The New York Times*

In addition to the six generals named in the report, the United Nations panel is providing a “non-exhaustive” list of people accused of atrocities to the high commissioner for human rights. The list is to be made available to any international body pursuing accountability.

This month, the United States unveiled a new set of targeted sanctions against military officers who are believed to have directed the violence against the Rohingya. But no member of the country’s top brass, such as General Min Aung Hlaing, was named.

Ms. Aung San Suu Kyi has set up several commissions to look at the root causes of the violence in Rakhine State, but none has resulted in any serious action or even an admission of the scale of the slaughter. Two foreign diplomats quit one panel, saying [they did not want to take part in a whitewashing](#) of serious crimes.

The United Nations mission said the [dominant position of the Tatmadaw](#), which ruled Myanmar for nearly half a century and still enjoys absolute impunity even as it shares power with a civilian government, meant that yet another Rakhine commission formed by Ms. Aung San Suu Kyi “will not and cannot” deliver a meaningful outcome. “The impetus for accountability must come from the international community,” it said.

A conspicuous failing of Myanmar’s civilian authorities identified by the panel was their failure to curb virulent hate speech by religious and national hard-liners on social media platforms, notably Facebook.

“Facebook’s response was slow and ineffective,” the report said, although a panel member, Radhika Coomaraswamy, said the company had since taken a more active role in policing hate speech in Myanmar, assigning more people to monitor it and take it down.

On Monday, Facebook announced that it was taking additional steps in response to criticism that it had done too little to stem hate speech and misinformation in Myanmar. Acknowledging that it had been “too slow to act,” [the company said it was banning 20 people and groups](#), including General Min Aung Hlaing, linked to the crisis in Myanmar.

The U.N. panel’s report also calls for accountability within the United Nations, delivering a scathing assessment of its failure to respond to the abuses unfolding in Myanmar and calling for a comprehensive independent inquiry “as a matter of urgency.”

United Nations officials in Myanmar failed to put in place the organization’s policy on human rights, preferring to give priority to development and quiet diplomacy, the panel said, echoing criticisms of the United Nations in Sri Lanka during the bloody closing stages of its war against Tamil Tiger rebels.

“That approach has demonstrably failed; the United Nations as a whole failed to adequately address human rights concerns,” the panel said. Even now, it added, the approach taken by United Nations agencies in Myanmar “displays few signs of any lessons learned.”

Hannah Beech contributed reporting from Bangkok.

A version of this article appears in print on Aug. 28, 2018, Section A, Page 4 of the New York edition with the headline: U.N. Says Rohingya Purge Warrants Genocide Charges for Generals. [Order Reprints](#) | [Today’s Paper](#) | [Subscribe](#)

Source: <https://www.nytimes.com/2018/08/27/world/asia/myanmar-rohingya-genocide.html>

The New York Times Asia Pacific

Nobel Peace Laureate Could Face Prosecution Over Myanmar Military's Actions



Myanmar's civilian leader, Daw Aung San Suu Kyi, could face prosecution for crimes against humanity committed by the military, United Nations investigators said on Tuesday. Credit...Nyein Chan Naing/EPA, via Shutterstock



By [Nick Cumming-Bruce](#) > Sept. 17, 2019

GENEVA — Myanmar's civilian leader, a Nobel laureate once extolled as a champion of democracy, could face prosecution for crimes against humanity because of the military's attacks on Rohingya Muslims and other minority groups, United Nations investigators said on Tuesday.

Their statement was a new sign of how far the leader, Daw Aung San Suu Kyi, had fallen from grace in the three years since she took office, overshadowed by the military's campaign against the Rohingya.

She was first acclaimed as an icon of the pro-democracy movement in Myanmar, having won the Nobel Peace Prize in 1991 and endured many years of house arrest. Now she has become an [international pariah](#) for her government's response to brutal oppressions by Myanmar's military.

In a report to the United Nations top human rights body in Geneva on Tuesday, a panel of investigators, [the Independent International Fact-Finding Mission on Myanmar](#), said the 660,000 Rohingya people who remain in Myanmar face systematic persecution.

“Myanmar is failing in its obligation to prevent genocide, to investigate genocide and to enact effective legislation criminalizing and punishing genocide,” Marzuki Darusman, the chairman of the fact-finding mission and a former attorney general of Indonesia, said in a statement.

The policies and practices that laid the basis for the military and allied militia campaigns of 2017 are still in place, he told the Human Rights Council. “Impunity continues. Discrimination continues. Hate speech continues. Persecution continues,” he said.



Image --- Rohingya Muslims after crossing the Naf River in 2017 as villages in Myanmar burn in the background, near Palong Khali, Bangladesh. Credit...Adam Dean for The New York Times

Myanmar on Tuesday rejected the fact-finding mission’s report as “one-sided allegations” and “misinformation.” Its ambassador to the United Nations in Geneva, Kyaw Moe Tun, accused the panel of lacking impartiality and said its reporting would cause economic hardship to millions of people.

Since Ms. Aung San Suu Kyi took office in 2016, she has drawn fierce criticism for failing to challenge the military, known as the Tatmadaw, over its atrocities in Rakhine State, home to many Rohingya Muslims. Critics have also assailed her for the repression of political freedoms.

Yanghee Lee, a United Nations expert monitoring developments in Myanmar, has said that under Ms. Aung San Suu Kyi, the list of political prisoners and people facing politically motivated charges has increased in recent years, as has the number of people charged with defaming the military.

The investigators said that Ms. Aung San Suu Kyi had no control over the actions of the Tatmadaw, but that as head of a party that controlled 60 percent of the seats in Myanmar’s Parliament she led a government that

had the power to change every law except the Constitution. Consequently, they said, she had extensive responsibilities for the prevailing conditions and human rights.

The Myanmar armed forces and allied militias have continued to use torture in operations against Kachin, Shan and other ethnic minorities in northern Myanmar, the investigators said, and sexual violence was a prominent part of the campaign.

“The longer this goes on, the more impossible it is for the civilian side of the government to escape international criminal responsibility for the human rights situation in Myanmar,” Christopher Sidoti, an Australian lawyer and panel member, told reporters.

The panel said last year that Myanmar’s army commander and other top generals [should face trial for genocide](#) and atrocities committed in 2017 against the Rohingya Muslims, driving nearly three-quarters of a million people across the border into Bangladesh.



**Image --- Rohingya people stranded in a buffer zone between Myanmar and Bangladesh last year.
Credit...Adam Dean for The New York Times**

The human rights council recently heard from Ms. Lee that the military was using helicopter gunships, heavy artillery and land mines in civilian areas of Rakhine State, as part of the operations against local rebels by the armed forces.

in the state is escalating, Ms. Lee said, citing what she described as credible reports that Rakhine men had been fatally tortured and Rakhine villages burned.

Many Rohingya Muslims remain [trapped in camps](#) where they are cut off from education or health care, cannot make a living, and remained subjected to discriminatory citizenship laws that amount to a “tool of persecution,” the fact-finding mission said.

Denying Myanmar's Muslims access to basic services such as education was "one element of the crime against humanity of persecution that we are seeing in Rakhine State against the Rohingyas," said Mr. Sidoti, the panel member.

In these circumstances, the return of close to a million Rohingya refugees in Bangladesh was "simply impossible," said Mr. Darusman, the mission's chairman, contradicting claims by the Myanmar authorities that they were creating a favorable environment for repatriation.

"There is nowhere safe and viable for them to return to. Rohingya lands and villages have been destroyed, cleared, confiscated and built on," he said.

The mission has identified more than 150 people linked to "numerous international crimes," he added. It has also turned over the evidence it accumulated over two years to an investigative organization responsible for preparing case files for potential criminal prosecutions.

In the meantime, the panel has called for a moratorium on investment and development assistance to Rakhine State, and exhorted international businesses to shun dealings with companies controlled by the military.

The appeal has led a number of international companies to disengage from business dealings with military-related ventures, Mr. Sidoti said. "We are seeing the start of some very positive signs."

A version of this article appears in print on Sept. 18, 2019, Section A, Page 7 of the New York edition with the headline: Nobel Laureate Could Face Charges. [Order Reprints](#) | [Today's Paper](#) | [Subscribe](#)

Source: <https://www.nytimes.com/2019/09/17/world/asia/myanmar-leader-war-crimes.html>