



# BULLETIN

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## MESSAGE FROM THE HEAD OF THE MECHANISM

In February, Myanmar marked a grim milestone. It has been three years since the military overthrew the country's elected government. For three years, people daring to speak out against the regime have been violently suppressed. Thousands of people – including political opponents and journalists – have been detained without due process of law. We have received credible reports that many detainees have been subjected to torture and other abuses, including sexual violence.

Since the military takeover, armed conflicts in Myanmar have increased with a significant intensification of violence since late October. We continue to collect evidence of brutal crimes – civilians killed by indiscriminate air strikes; captives burnt alive; mass executions; bodies dismembered and desecrated; villages deliberately destroyed; and women, men, boys and girls subjected to rape and other sexual and gender-based crimes.

On an almost daily basis, we are receiving new reports of alleged war crimes and crimes against humanity committed in different parts of the country and against all ethnic groups. We are tracking these new incidents as they happen, and we are gathering the evidence while it is fresh. At the same time we are retaining our focus on earlier crimes, particularly those committed against the Rohingya. The International Court of Justice has entered a critical stage of its proceedings, and the International Criminal Court is advancing its investigations. Over the coming months, we will continue to provide the relevant authorities with pertinent evidence and analysis to support these cases.

While most of our analysis is kept confidential, on an exceptional basis the Mechanism has recently made two of its [analytical reports](#) available to the public. These concern the Myanmar military's role in distributing hate speech against the Rohingya on Facebook, and the response of Myanmar authorities to allegations of sexual and gender-based crimes committed by the security forces against the Rohingya during the clearance operations. These reports may be useful in advancing the collective efforts of those working for accountability in Myanmar.

The number of serious international crimes committed in Myanmar is mounting – but so is the evidence against the perpetrators. Our analysts, investigators and lawyers are piecing together the information to identify who is responsible, including those who ordered the crimes and those who failed to punish crimes committed by those under their command. We are working towards the day that this evidence will be presented in a court of law, and those responsible will have to answer for their actions.



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**Nicholas Koumjian**

## INSTITUTIONAL UPDATE



To date, the Mechanism has collected a vast quantity and variety of information for analysis – nearly 28 million items – from over 800 individuals, organizations, businesses, UN entities and other partners. These items include photos, videos, maps, social media posts, reports of NGOs and experts on particular aspects of the conflict, financial data, witness testimony and other information.

The Mechanism has increased its collection of witness testimonies from survivors, eyewitnesses and defectors, resulting in 327 witness statements and screenings as of the end of 2023.

Cooperation from Member States, international organizations, civil society organizations, business entities, victims and survivors are crucial for the Mechanism to continue its collection and investigative activities. Thirty-five cooperation arrangements have now been negotiated, including those that enable the Mechanism to interview witnesses in the territories of some States and to receive information from certain organizations and entities.

**800**

Information collected from over 800 sources

**35**

35 cooperation arrangements in place

**327**

327 witness statements and screenings

## SHARING MATERIALS

There are major efforts underway to share information and analysis to support ongoing investigations and proceedings at the International Court of Justice, the International Criminal Court and in Argentina. In 2023, the Mechanism shared 27 packages of evidence and analysis, including nearly 50,000 information items, with relevant authorities.

2024 is a significant year for the parties in the case of *The Gambia vs Myanmar* to make their submissions for consideration by the International Court of Justice. In 2019, The Gambia, on behalf of the members of the Organisation of Islamic Cooperation, filed a case alleging that Myanmar failed to fulfil its obligations under the Genocide Convention to prevent and punish genocide committed against the Rohingya. Canada, Denmark, France, Germany, the Maldives, the Netherlands, and the United Kingdom filed declarations of intervention in 2023, meaning they will also be able to make legal arguments in the case.

By 16 May 2024, The Gambia must submit its reply to Myanmar's response to The Gambia's claims, and by 16 December 2024 Myanmar must respond in turn. The Mechanism has therefore escalated its sharing of additional evidence, analysis and other materials with relevant authorities at this critical stage of the case.

## ANALYTICAL REPORTS

Two reports prepared by the Mechanism for judicial and prosecutorial authorities are now available on its [website](#). These examine the Myanmar military's covert Facebook network that systematically distributed hate speech against the Rohingya at the time of the 2017 clearance operations, and the Myanmar state authorities' failure to investigate and punish allegations of sexual and gender-based crimes committed by security forces against the Rohingya.

This analysis forms a small part of the materials that the Mechanism has shared with relevant authorities working on ongoing cases concerning the Rohingya. The reports have been published with redactions to preserve future investigative opportunities and to protect the safety and privacy of witnesses, sources and other persons.

## FINANCIAL INVESTIGATIONS

The collection and analysis of financial information and evidence relevant to the crimes within the Mechanism's mandate is integrated into all its investigations. Identifying the proceeds, property and assets of those who have contributed to or benefitted from serious international crimes in Myanmar since 2011 may also help track perpetrators and enable their prosecution.

The Mechanism's financial investigators are examining weapons supply chains as well as networks and links between individuals, corporate entities and groups of interest. They are also focusing on the destruction and dispossession of Rohingya land, homes and businesses as well as the destruction of schools, mosques and other cultural heritage in Rakhine State. This involves investigating how Rohingya land and property was destroyed, confiscated and otherwise dispossessed and which patterns emerged, as well as identifying instances of buildings being reconstructed, including by Government and security forces, on land previously held by Rohingya communities.

# OUTREACH

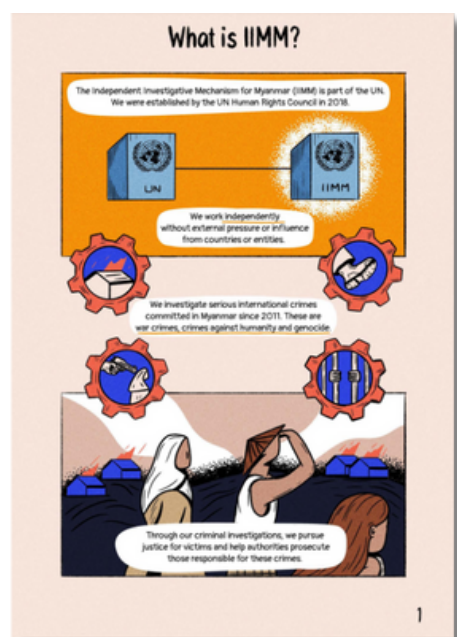
Through its [website](#), [Facebook Page](#), media interviews and outreach materials, the Mechanism explains its complex work and mandate to a diverse range of people who have an interest in pursuing justice for the people of Myanmar. [Outreach materials](#) are currently available in English and Burmese and are being developed in Rohingya and other Myanmar languages.

## GRAPHIC NOVELS

What is the Mechanism? How does it work? How do you contact it securely? Three new graphic novels answer these questions in a simple and visual way and can be downloaded in English and Burmese on the Mechanism's [website](#). These are also being shared with individuals and organizations that work on accountability-related issues and with those that are interested in learning about the Mechanism's work.

## PODCASTS

The Mechanism recently spoke to podcast hosts in English and Burmese about the current situation of serious international crimes committed in Myanmar and how its mandate has evolved in the pursuit of justice and accountability. Tune in to the insightful conversations on Asia Matters on [Spotify](#) and Doh Athan – Our Voice on [Facebook](#).



## FREQUENTLY ASKED QUESTIONS

### IS THE MECHANISM ALSO INVESTIGATING CRIMES COMMITTED BY THE PEOPLE'S DEFENSE FORCES AND ETHNIC ARMED ORGANISATIONS?

The Mechanism's mandate extends to "the most serious international crimes" committed on the territory of Myanmar since 2011, regardless of who the perpetrator is, or which ethnic, religious or racial group the victim is from. Serious international crimes include genocide, war crimes and crimes against humanity.

The Mechanism has received credible information of instances where persons not taking active part in the hostilities but who are suspected collaborators or informants for the military authorities have been assassinated or tortured in custody. It has also received some information of soldiers from the Myanmar military being mistreated while detained by armed groups. Under the laws of war, persons not taking active part in hostilities may not be targeted. Also, anyone – whether civilian or combatant – in the custody of a party to a conflict is entitled to humane treatment under the Geneva Conventions and may not be summarily executed or tortured. Any summary execution of such a detainee may amount to the war crime of murder.

The Mechanism is deeply concerned by these reports. We are collecting information about these allegations and will consider whether any such incident amounts to one of the "most serious international crimes" within our mandate and will decide whether to conduct further investigations on a case-by-case basis.

### IF THE MECHANISM HAS ALREADY GATHERED SO MUCH EVIDENCE OF SERIOUS INTERNATIONAL CRIMES, WHY HAS NO ONE BEEN ARRESTED OR PROSECUTED YET?

The Mechanism is collecting and analyzing information and evidence from hundreds of sources to build case files showing which persons are responsible for serious international crimes committed in Myanmar, including those who gave orders to commit crimes. The Mechanism is doing all it can to ensure that its investigations are undertaken as speedily as possible. However, investigations of complex crimes take time. Information which links individual perpetrators to specific crimes needs to be collected, verified and analyzed. To be used in court, investigations must be conducted rigorously to eventually meet the highest standard of proof required for criminal convictions.

The Mechanism is not a police force, a court or a prosecutor. It cannot arrest or prosecute anyone or hold trials. It is up to national, regional or international courts and tribunals which are willing and able to prosecute crimes committed in Myanmar to open a criminal case against alleged perpetrators.

The Mechanism is already sharing evidence in relation to ongoing cases concerning crimes against the Rohingya at the International Criminal Court, the International Court of Justice and in Argentina. The Mechanism also stands ready to support additional authorities that will one day investigate and prosecute serious international crimes committed since the military takeover in February 2021.

