

INDEPENDENT INVESTIGATIVE MECHANISM FOR MYANMAR

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MESSAGE FROM THE HEAD OF THE MECHANISM

Aerial bombardments, including the use of drones, are an increasingly ubiquitous and harrowing feature of the Myanmar conflict. Even as rescue workers searched for survivors following the devastating earthquake in March, and throughout the subsequent ceasefire, the military continued air attacks in Mandalay, Sagaing and other regions – bombing schools, hospitals and homes, killing and injuring civilians and terrorizing communities. The Mechanism has prioritized its investigations of these attacks and we're concentrating our efforts on identifying those responsible.



Last month, during the Mechanism's annual Civil Society Dialogue, participants described the emotional toll of living in constant fear of bombardments. Silent drone attacks give communities no warning to seek cover. People working for civil society organizations take enormous personal risks in their efforts to document serious international crimes committed in Myanmar. Many participants at the Dialogue described how funding cuts have forced them to reduce some of their security measures, placing their teams at even greater risk.

Civil society organizations play a valuable role in the Mechanism's investigations and are vital to help us achieve our objectives for the next three years, as outlined in our newly published <u>Strategic Plan</u>. We aim to advance our investigation efforts to ensure that high-quality, reliable evidence and analysis is available to support more accountability efforts, while safeguarding the well-being and security of those who engage with us. This is difficult to achieve without the necessary funding, and the current cost-cutting measures of the United Nations, combined with the liquidity crisis due to the late or nonpayment of Member State dues, is putting the Mechanism under significant financial pressure.

While these are challenging times, the Mechanism will not waiver in its commitment to investigate those who are ordering or carrying out serious international crimes in Myanmar. We are working towards the day that these perpetrators, regardless of their ethnicity or political affiliation, will have to answer for their actions in a court of law.

Nicholas Koumjian

INSTITUTIONAL UPDATE



STRATEGIC PLAN

The Mechanism's new <u>Strategic Plan</u> sets out its goals and priorities for the period 2025-2027. It provides a clear and focused approach to guide the Mechanism's activities, ensuring that the Mechanism advances its mandate and responds to the evolving situation in Myanmar.

Three core goals shape the Mechanism's work over the next three years:

1. The Mechanism's evidence and analyses are used for justice and accountability efforts for Myanmar.

2. The Mechanism increases its engagement with witnesses, CSOs, Member States, UN entities and other stakeholders.

3. The Mechanism remains resilient and adaptable.

To achieve these goals, the Mechanism will pursue six strategic objectives, including advancing its collection, preservation and analysis of evidence; expanding the use of this evidence and analysis in national and international proceedings; safeguarding those who engage with the Mechanism; deepening public outreach; strengthening institutional capacity; and preparing for future developments in Myanmar.



FUNDING

To achieve the goals set out in the Strategic Plan, the Mechanism requires adequate resources. The Mechanism is funded through the United Nations regular budget, approved each year by the General Assembly. This is complemented by voluntary contributions that support specific projects.

The United Nations' liquidity crisis and recently introduced austerity measures have significantly impacted the Mechanism, leading to substantial restrictions in staff and other resources. Additional cost-cutting measures recently introduced by the UN80 Initiative require the Mechanism to reduce staff positions funded by the 2026 regular budget by 20 percent. These financial pressures threaten the Mechanism's ability to maintain its critical work and continue supporting international justice efforts.

Compounding these budgetary challenges, recent funding cuts announced by several Member States have created heightened uncertainty regarding the future of key donor-funded projects, including witness protection and support, evidence analysis and open source investigations.

The Mechanism welcomes Member State support for both regular and extrabudgetary funding to ensure it can sustain its investigative activities and achieve its strategic priorities. It is grateful for the financial support provided by several Member States and is actively seeking similar contributions from others.





FINANCIAL INVESTIGATIONS

In line with the Strategic Plan, the Mechanism is stepping up efforts to collect financial information and evidence related to individuals and entities who may have financially contributed to, or benefitted from, serious international crimes in Myanmar since 2011.

The Mechanism's financial investigations team is investigating the destruction and dispossession of Rohingya land and property in northern Rakhine State. It is also examining the role of those who supply weapons, ammunition, equipment or funding with knowledge that these could be used to commit serious international crimes. Such individuals or entities may be held responsible for enabling these crimes.

The Mechanism welcomes information on bank transactions, currency transfers, property ownership, weapons supply chains, and the assets of military and civilian officials, corporate actors or groups of interest. This financial information could facilitate criminal proceedings and may also help authorities locate and arrest perpetrators, cut off resources for future crimes and open up possibilities for compensating victims.

The Mechanism is leveraging its financial investigations to expand opportunities with new competent jurisdictions. Most recently, the Mechanism received and responded to a request from an authority in the United Kingdom in relation to post-coup crimes involving such information.

OPEN SOURCE INVESTIGATIONS

The Mechanism's open source team uses advanced digital methods to investigate serious international crimes committed in Myanmar since 2011. This includes the discovery, verification and authentication of publicly available materials found online, such as videos, images and social media posts. Using cutting-edge tools, the investigators can identify where and when videos and images were taken (geolocation and chronolocation), extract investigative leads from large datasets, and enhance and authenticate videos, images and audio clips to detect Al-generated content.

In addition, the open source team identifies public statements by individuals that reveal their knowledge, intent or effective control over crimes to help establish links between senior leaders and the crimes committed. They also investigate individuals involved in spreading hate speech against the Rohingya, building on the Mechanism's <u>Hate Speech report</u> published last year, by tracing their digital footprints.

SHARING

The Mechanism has shared over one million items of evidence and analysis for the ongoing proceedings concerning crimes against the Rohingya at the International Criminal Court, the Federal Prosecutor's Office in Argentina and the International Court of Justice.

In addition to these three jurisdictions, the Mechanism has engaged with relevant authorities in the United Kingdom to share information related to crimes under the Mechanism's mandate, including the Metropolitan Police War Crimes Team which has opened a structural investigation mirroring the situations being considered by the Prosecutor of the International Criminal Court.

INVESTIGATING PERPETRATORS

In its investigations into serious international crimes committed in Myanmar, the Mechanism seeks to identify all individuals responsible – not just the people who directly commit the crimes, but also those who plan, order, instigate or support the commission of these crimes, or who fail to prevent or punish them.

The Mechanism investigates perpetrators regardless of their ethnicity, political beliefs or rank, and any individual – military or civilian, government official or private citizen – can be held responsible for genocide, war crimes and crimes against humanity.

Responsibility can take several forms:

• **Direct participation** – individuals who actively commit or contribute to a crime by planning, ordering or carrying it out. This includes combatants engaged in hostilities.

• Indirect participation – those who enable crimes by providing support such as funding, weapons or logistics. For example, a government official who knowingly supplies weapons to a group committing war crimes. may be considered an indirect participant.

• **Command responsibility** – military or civilian leaders who knew or should have known about crimes committed by their subordinates and failed to prevent or punish them. A formal designation as a commander or a superior is not required. What matters is whether they had effective control, meaning the actual power to prevent or punish the commission of a crime.

• **Conspiracy** – a shared plan between two or more people to commit a crime. A person may be liable even without directly acting, if they help advance the plan.

Generally, in international criminal law, those considered the most responsible for crimes are those in positions of higher authority who planned, ordered or sanctioned the commission of the crimes. Investigating these higher authorities is very challenging. They are seldom present at crime scenes and their role in crimes often takes place behind closed doors. The Mechanism therefore seeks linkage evidence – information that connects the actions of high-ranking officials or leaders to crimes committed by others. Linkage evidence includes witness testimony from defectors and other insiders, intercepted communications, explicit orders, public statements or patterns of behaviour.

Anyone with information about alleged perpetrators of serious international crimes in Myanmar can <u>contact</u> the Mechanism securely and confidentially.



OUTREACH

CIVIL SOCIETY DIALOGUE

Civil society organizations play a crucial role in the Mechanism's work. They provide investigative leads, documentation and connections to witnesses, often gathered at great personal risk.

To strengthen mutual understanding and trust, the Mechanism holds an annual in-person Civil Society Dialogue. In May 2025, Mechanism personnel met with representatives from 20 civil society organizations from diverse communities working to document and respond to serious international crimes committed in Myanmar. The three-day exchange created space for frank discussions about the Mechanism's mandate and working methods, and how information from civil society organizations helps shape investigations.

Civil society participants shared how funding shortfalls, trauma and increased security risks are impacting their work, and offered concrete suggestions on how the Mechanism could improve its engagement with them and better respond to realities on the ground.

Before the event, 20 percent of participants indicated they had a clear understanding of the Mechanism's mandate and work. This increased to 84 percent by the end of the event, and 100 percent of participants indicated a willingness to cooperate with the Mechanism in the future.

INVESTIGATIONS EXPLAINED

How does the Mechanism prioritize what to investigate? How does it investigate sexual and gender-based crimes and crimes against and affecting children? What is the focus of its financial and open source investigations?

Our <u>website</u> and new <u>Facebook</u> series provide simple, non-technical answers to these questions in both English and Burmese.





Nicholas Koumjian at the inaugural International Day of Solidarity with the Rohingya People event held by the Rohingya Centre UK on 3 June 2025

IS FORCED RECRUITMENT OR CONSCRIPTION A SERIOUS INTERNATIONAL CRIME?

Recruitment is the process of attracting and encouraging individuals to join the military, whereas conscription refers to compulsory or mandatory military service. While national and international laws generally allow for the recruitment or conscription of adults, it may be considered a war crime when it involves children.

The recruitment or use of children under 15 in combat is explicitly prohibited and classified as a war crime under the Rome Statute, the Geneva Conventions and other international treaties. Children under 15 are not considered capable of giving genuine or informed consent. The Mechanism is currently investigating child conscription by armed forces and non-state actors in Myanmar.

WHO CARRIES OUT ARREST WARRANTS ISSUED BY INTERNATIONAL COURTS LIKE THE INTERNATIONAL CRIMINAL COURT (ICC)?

The authority responsible for executing an arrest warrant depends on the type of warrant and the jurisdiction.

National arrest warrants are carried out by domestic law enforcement agencies, such as the police. In some cases, a country may also agree to execute arrest warrants issued by foreign courts.

The ICC does not have its own police force. When its Judges decide to issue an arrest warrant against a person, following a request from the Office of the Prosecutor, it relies on its 125 member states, known as States Parties, to carry out the warrant through their own national law enforcement authorities. The ICC works with many organisations, States and other partners to ensure that arrest warrants are executed, and suspects are brought to The Hague to face the Judges of the ICC.

Interpol is one of the channels the ICC can use to communicate the existence of an arrest warrant against a person and ask assistance of a State for the arrest.

Interpol does not make arrests itself. Only its member countries can conduct arrests based on international arrest warrants. When an arrest warrant is issued by its Judges, the ICC can share the existence of the arrest warrant through Interpol and ask for a so-called Red Notice to be issued against the relevant persons. However, the decision to act on a Red Notice depends on States, their national laws and whether the country recognizes the ICC's jurisdiction, and other possible considerations.

