

Statement by

Ambassador Jeroen Cooreman, Deputy Permanent Representative
of Belgium to the United Nations

Arria on Accountability in Myanmar

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Mr President, Dear Colleagues,

I would like **to thank the various speakers** for their presentations. I would also like to congratulate Germany, Peru and Kuwait for taking the initiative. The focus on sexual violence is particularly relevant and we take note of the report of the fact-finding mission in this regard.

I would like to begin by stressing the importance of the **fight against impunity**. Accountability is essential for true reconciliation leading to lasting peace.

Almost exactly two years ago, the Myanmar army and security forces committed **mass atrocity crimes and serious human rights violations** against the civilian population of Rakhine State. These crimes have been extensively documented. The systematic use of sexual violence has been particularly heinous. The United Nations High Commissioner for Human Rights described the events as "a textbook example of ethnic cleansing."

To date, concrete measures to initiate criminal proceedings against the perpetrators remain limited. The journalists who exposed the mass crimes committed by the Myanmar army, the Tatmadaw, spent more time in prison than those responsible for these crimes.

The collection and preservation of evidence will be essential for ensuring that justice is served. In this context, Belgium supports the work of the **Fact-Finding Mission**, mandated by the Human Rights Council, as well as the Independent Investigative Mechanism for Myanmar. We also welcome the request by the Prosecutor of the **International Criminal Court** to open an investigation into the situation in Myanmar. I

would also like to recall that this Council is competent to refer these facts to the ICC. We welcome the initiative taken by the Gambia, on behalf of the OIC, to bring the crisis to the attention of the International Court of Justice, on the basis of the Genocide Convention.

We regret the absence today of the "**Independent Commission of Enquiry**" (ICOE) set up by the Myanmar authorities. Indeed, this meeting is an opportunity to address existing concerns. The creation of this Commission can only be a step towards accountability if it works independently, impartially, transparently and objectively, in accordance with international standards. We encourage the ICOE to cooperate with international mechanisms.

Last month, the Security Council Working Group on **Children and Armed Conflict** adopted conclusions on Myanmar. In doing so, the Council called to order those responsible, including the Tatmadaw, in order to put an end to the violations and to prevent further abuses. In addition, the Council called for independent and impartial investigations to hold the perpetrators to account. We encourage the Myanmar authorities to continue their cooperation with the Special Representatives on Sexual Violence and Children in Conflict.

We particularly stress the need for the Government of Myanmar to **protect witnesses and victims** from possible reprisals, as well as the importance of providing adequate medical and psychosocial care to survivors, in particular women and girls. In this regard, we believe that close cooperation between the Government and the United Nations is essential for the full implementation of the Joint Communiqué of 7 December 2018 between the United Nations and the Government of Myanmar on "the prevention of and response to sexual violence in armed conflict". The involvement of the armed forces in this process, specifically the Ministry of Defence and the highest military authorities, is crucial. In this context, we support the idea of deploying a technical team to the resident coordinator. We also wish to express our support for the swift adoption of the legislation on the Prevention of Violence against Women, which has been duly amended by civil society and the UN team on the ground.

I would like to ask **Ms Coomaraswamy a question**: how would you assess the collaboration with the government on the implementation of the communiqué and what progress has been made to facilitate legal proceedings in accordance with international law? Do the United Nations have a role in strengthening and reforming the judicial sector in this area?

Ladies and gentlemen,

If justice is not done, the issue will come back to us sooner or later. How can we expect refugees to return to a region in which criminals are kept in office and enjoy complete impunity?

Thank you, Mr President.