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Rohingya crisis: 132 MPs across region call for Myanmar to be referred to the International Criminal Court

Monday 27 August 2018, by [Coconuts Yangon](#), [ELLIS-PETERSEN Hannah](#), [Parliamentarians](#) (Date first published: 24 August 2018).

Members of parliament have called for Myanmar military to be brought to justice for its 'murderous operation'. The statement [see below] was released ahead of the first anniversary of the start of the violence against the Rohingya in Rakhine state.

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More than 130 members of parliament, across five countries in south-east Asia, have demanded that Myanmar be investigated by the International Criminal Court (ICC), the most united condemnation from the region since the violence began against the Rohingya a year ago.

In a joint statement released by Asean Parliamentarians for Human Rights, they called for the Myanmar military to be "brought to justice" for its "murderous operation in Rakhine State".

Speaking on behalf of those 132 who had issued the statement, APhR member Charles Santiago, a Malaysian politician in the ruling coalition, said: "As Myanmar is clearly both unwilling and unable to investigate itself, we are now at a stage where the international community must step in to ensure accountability."

He added: "I stand together with 131 of my elected peers in calling on the members of the UNSC to immediately refer the situation in Myanmar to the ICC. Those in Myanmar responsible for these horrific crimes must be held to account; they cannot be left free to commit the same abuses again in the future."

The united call comes just ahead of the first anniversary of the start of the military campaign of violence against the Rohingya in Rakhine state. Since that began 700,000 people have fled over the border to Bangladesh and 25,000 people have been killed, with villages razed to the ground and women sexually assaulted and raped. The violence has been described as ethnic cleansing by the UN; a charge Myanmar denies.

Asean, an intergovernmental organisation made up of ten countries in south-east Asia, has been accused of turning a blind eye to the violence over the past year, and has shied away from adopting a strong line on the crisis, even as boats of Rohingya refugees have washed up on the shores of Thailand, Malaysia and Indonesia.

But APHR board member, Eva Kusuma Sundari, a member of the Indonesian House of Representatives, said it was time that Asean countries “set aside their destructive ‘non-interference’ policy and take genuine action.”

“Justice for the Rohingya is an issue that goes beyond regional politics – it concerns humanity as a whole,” she said. “We cannot allow these atrocities to take place in one of our member countries with complete impunity.”

Though a large number of politicians put their names to the statement, these 132 politicians came from just five countries – Indonesia, Malaysia, Philippines Timor Leste and Singapore – indicating that there is still regional reluctance to speak out against Myanmar.

The ICC is currently in discussion over whether it has the legal basis to open an investigation into the crimes committed in Rakhine. While Bangladesh is a member state, which gives the ICC power to investigate crimes committed there, Myanmar is not, and denies any ethnic cleansing was carried out against the Rohingya.

In June a coalition of Bangladeshi organisations sent a body of evidence to ICC prosecutors, documenting torture, rape and indiscriminate killing by the Myanmar military. The legal argument for an ICC investigation is being led by prosecutor Fatou Bensouda who argues the cross-border nature of the forced deportation of the Rohingya into Bangladesh means it could legally fall within the ICC’s remit.

In a move perceived as an attempt to appease the international community in the wake of the push for an ICC investigation, the Myanmar government announced in July it was carrying out another commission of inquiry to probe allegations of human rights abuses in Rakhine state.

Hannah Ellis-Petersen, The Guardian south-east Asia correspondent

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https://www.theguardian.com/world/2018/aug/24/rohingya-crisis-132-mps-across-region-call-for-myanmar-to-be-referred-to-icc?CMP=Share_AndroidApp_Gmail

132 Southeast Asian MPs call for ICC referral for Myanmar

More than 130 lawmakers from five countries in Southeast Asia have called on the UN Security Council to refer Myanmar to the International Criminal Court (ICC) over atrocities committed by Myanmar security forces against the Rohingya in Rakhine State [see statement below] .

“One year has passed since the Myanmar military launched its murderous operation in Rakhine State, yet we are no closer to seeing those responsible brought to justice. As Myanmar is clearly both unwilling and unable to investigate itself, we are now at a stage where the international community must step in to ensure accountability,” said Malaysian lawmaker Charles Santiago on behalf of the 132 signatories of the statement.

The statement asserts that “there are reasonable grounds to believe that the crimes perpetrated in

Rakhine State against the Rohingya constitute genocide and crimes against humanity.”

Myanmar is not a signatory to the Rome Statute, so the ICC does not have jurisdiction over the country, and only the Security Council can trigger an investigation by the court.

The lawmakers acknowledged the internal investigations launched by the Myanmar military and by the civilian government, describing them as “woefully inadequate.”

“Time has run out for Myanmar’s internal procedures which have only meant to deflect international pressure and are not mandated to seek genuine accountability. ASEAN countries must set aside their destructive ‘non-interference’ policy and take genuine action. Justice for the Rohingya is an issue that goes beyond regional politics – it concerns humanity as a whole. We cannot allow these atrocities to take place in one of our member countries with complete impunity,” said Indonesian lawmaker Eva Kusuma Sundari.

The signatories called on ASEAN governments to pressure Naypyidaw to “[abolish] all

discriminatory policies and practices in order to address the root causes of the crisis” and “grant immediate and unconditional access into Rakhine State, particularly for humanitarian aid groups, independent observers, and local and international media.”

Kusuma said: “The fact that more than 100 sitting parliamentarians from across the region are willing to speak up shows the level of regional support for the Rohingya, and for human rights. Governments must now follow suit and condemn Myanmar for its horrific policies and practices. We are combining our voices with all those around the globe that are demanding the world stand up to atrocity crimes and bring those responsible to account.”

The signatories include MPs from Indonesia, Malaysia, Philippines, Singapore, and Timor-Leste.

Coconuts Yangon

• Aug. 24, 2018:

<https://coconuts.co/yangon/news/132-southeast-asian-mps-call-icc-referral-myanmar/>

Statement: Southeast Asian lawmakers call for international justice for Rohingya atrocities

We, the undersigned parliamentarians, are writing to express our grave concerns over the ongoing impunity for perpetrators involved in the atrocities committed against hundreds of thousands of Rohingya in Myanmar since 25 August 2017. We call on the international community to take urgent measures to bring those responsible for the crisis to account.

One year ago, the Myanmar security forces and their proxies launched a violent crackdown in response to attacks by the Arakan Rohingya Salvation Army (ARSA) on police outposts in northern Rakhine State. The security forces’ so-called “clearance operations” resulted in gross human rights violations, including widespread killings, arbitrary arrests, burnings of entire villages, and sexual violence, all of which have been extensively documented by international human rights

organizations. More than 720,000 mainly Rohingya have fled to Bangladesh. There are reasonable grounds to believe that the crimes perpetrated in Rakhine State against the Rohingya constitute genocide and crimes against humanity.

The response by the Myanmar government has thus far been woefully inadequate. The government has failed to investigate and prosecute those responsible for the atrocities in a credible and impartial manner, and they continue to block almost all access to affected areas in Rakhine State for international human rights observers. In fact, some of those who try to shed light on these human rights violations now face arbitrary criminal charges. Recent reports also show that the Rohingya population that remains in Rakhine State still face the risk of violence as well as widespread discrimination, which has resulted in appalling living conditions that are unsafe as well as a serious lack of access to basic services and livelihood opportunities. The dignified and voluntary repatriation of refugees from Bangladesh will not be possible as long as these conditions endure.

In light of the above concerns, we, the undersigned parliamentarians, urge the international community to take urgent measures to hold accountable those responsible for human rights violations against the Rohingya people. We call upon members of the United Nations Security Council to immediately refer the human rights situation in Myanmar to the International Criminal Court.

We also support the call by United Nations Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, to establish an international accountability mechanism that aims to impartially investigate and provide necessary assistance to future criminal proceedings that are in line with international standards.

Further, we call on our own governments, fellow ASEAN member states with Myanmar, and ASEAN itself, to accelerate efforts and use its influence on Naypyidaw to press the government and military to end all forms of human rights violations against Rohingya. This must include abolishing all discriminatory policies and practices in order to address the root causes of the crisis. It is imperative that they also urge the Myanmar government to grant immediate and unconditional access into Rakhine State, particularly for humanitarian aid groups, independent observers, and local and international media.

We also commit to utilizing our positions as parliamentarians to continue to push for accountability for the crimes perpetrated against the Rohingya, and call on fellow legislators internationally to do the same.

These steps are crucial to not only bring an end to the perpetual cycle of violence and longstanding discrimination faced by Rohingya, but also to end the impunity that has been widely enjoyed by the Myanmar security forces for decades.

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Abdul Rahman bin Mohamad
Member of the House of Representatives, Malaysia

Ach. Baidowi
Member of the House of Representatives, Indonesia

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Ahmad Bin Hassan
Member of the House of Representatives, Malaysia

Ahmad Tarmizi Bin Sulaiman
Member of the House of Representatives, Malaysia

Akbar Faizal
Member of the House of Representatives, Indonesia

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Anas Thahir
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Willie Anak Mongin
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Wong Chen
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Wong Ling Biu
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