Statement by Ambassador Hau Do Suan, Permanent Representative of the Republic of the Union of Myanmar to the United Nations
in response to the report of the Independent International Fact-Finding Mission on Myanmar
Agenda Item 74:(c) “Promotion and protection of human rights: Human rights situation and reports of special rapporteurs and representatives at the Third Committee of the 73rd Session of the United Nations General Assembly
(New York, 23 October 2018)

Mr. Chairman,

When the Fact-Finding Mission (FFM) on Myanmar was established by the Human Rights Council in March 2017, we objected the Mission because of our serious concerns particularly about the advisability of its establishment and the mandate of the Mission. We are also concerned that release of the report based on narratives and not on hard evidence will only serve to inflame tensions further and potentially hinder the Government’s efforts to create much needed social cohesion in Rakhine State. The one-sided report of the Mission has confirmed our concerns. The report is detrimental to social cohesion in Rakhine State, and undermines the Government’s relentless efforts to bring peace, national reconciliation and development to the state.

The sincerity of the FFM is also questionable. Although the Mission was mandated to submit its report to the Human Rights Council on 18 September, it had released the unedited version of the report in haste on 27 August 2018, just one day ahead of the UN Security Council’s public debate on the situation of Myanmar. Such kind of inappropriate act raised the question of objectivity, impartiality and political motive behind the action.

The methodology of its investigation is also flawed as the report was prepared on results of interview to selected groups of displaced persons in Cox’s Bazaar and information gathered from some NGOs, INGOs and human rights group who have already set their pre-determined agenda on the issue. The FFM did not even bother to interview non-Muslims displaced persons in Cox’s Bazaar. Therefore, the Mission’s report did not shed new lights on the problem but was found to be identical with the reports of certain human rights groups with no accountability for their works.

I would like to underline the fact that many accusations similarly mentioned also in the report of the Special Rapporteur are based on the stories told by those alleged victims living under continuous threat and influence of the ARSA terrorist group, and not supported by concrete evidence.

Mr. Chairman,

We have repeatedly explained the fact that the current humanitarian crisis in Rakhine State was ignited by the unprovoked and premeditated attacks against 30 police outposts and a military battalion headquarters by the Arakan Rohingya Salvation Army (ARSA) terrorist group in August 2017. However, the FFM conveniently ignored the deliberate strategy of ARSA to invoke a hash
response. Instead, it passed unfair and damming judgments against the security forces and the Government of Myanmar for the legitimate security measures taken against the terrorists.

The ARSA terrorists massacred security personnel and hundreds of innocent civilians including a hundred Hindu villagers, other ethnic minorities and pro-government Muslims. The atrocities perpetrated by ARSA made thousands of innocent ethnic population flee their villages to the other parts of Rakhine State. Likewise, it created a massive exodus of Muslims to the neighbouring country. It is crucial to bear in mind that the crisis affected not just the Muslim community. When we talk about human rights, we should look at human rights of both communities.

Mr. Chairman,

According to a number of credible international intelligence sources and information from the apprehended ARSA members, it was found out that ARSA is guided and supported by a number of foreign terrorist groups including Al-Qaeda and ISIL who have called for Jihad against Myanmar government earlier. ARSA leader Hafiz Tohar a.k.a. Atta Ullah himself is a Foreign Terrorist Fighter. If ARSA is allowed to operate freely, it will soon become part of regional terrorism-networks.

However, we are dismayed by the fact that the Mission has deliberately and glaringly discounted ARSA terrorist atrocities which could even be interpreted by many as justifying or condoning the act of Muslim extremist terrorists.

Mr. Chairman,

I would like to reiterate my Government’s strong commitment to accountability for human rights violations in Rakhine or in any other place in the country. We will take action against any perpetrators where there is sufficient evidence. There will be no impunity for violation of the law.

In this regard, the Government of Myanmar has established an Independent Commission of Enquiry (ICOE), led by Ambassador Rosario Manalo of the Philippines, an eminent diplomat with rich experience in the field of human rights. The Commission also includes Ambassador Kenzo Oshima of Japan, former UN Under-Secretary-General, and two highly respected members from Myanmar. The Commission will investigate allegations of human rights violations and related issues following the terrorist attacks on 9 October 2016 and 25 August 2017 by the Arakan Rohingya Salvation Army (ARSA) in Rakhine State with a view to seeking accountability and reconciliation. The Commission will conduct its mandate in the principles of independence, impartiality and objectivity, and will submit its report within a year.

We are willing and able to take on the accountability issues for any alleged human rights violation where there is sufficient evidence. We need to give time and space to the ICOE.

In fact, legal actions have been taken against military and police officers and civilians who were found to be in breach of standard operating procedures and rules of engagement following the Inn Din incident. Administrative actions have also been taken against high ranking senior officers of Tatmadaw who were responsible for overseeing security operations in Rakhine.

Mr. Chairman,

The Government of Myanmar has resolutely rejected the ICC's ruling of 6 September 2018 in connection with Rakhine State. Our position here is clear: Myanmar is not a party to the Rome Statute and the Court has no jurisdiction over Myanmar whatsoever. The ICC decision was made on
dubious legal grounds and applied to a situation where domestic remedies have not yet been exhausted.

We should all be concerned by the recent decision of the International Criminal Court and the various precedents that the Court may be setting by this recent ruling as well as by the way in which it was made. Such action can only erode the moral and legal authority of the Court. This is a stark warning to all countries particularly to the developing ones.

Mr. Chairman,

My delegation categorically rejects inference of “genocidal intent” on the legitimate counter terrorist actions by the security forces in Rakhine. The conclusion is made on unverified circumstantial evidences which has no sound legal proof.

As I have stated earlier, we have demonstrated our willingness and ability to address accountability issue.

Putting accountability above all else without regard to other positive developments is a dangerous attempt that will face utter failure. Unilateral coercive measures without regard to the situation in Myanmar and imposition of politically motivated external pressure will be detrimental to the existing good will and cooperation of the Myanmar Government with the international community.

The present reports of the FFM and the Special Rapporteur are not contributing to building peace, harmony, national reconciliation and development in Rakhine State. They will only exacerbate mistrust and polarization among different communities in Rakhine,

Mr. Chairman,

I would like to highlight the important fact that Myanmar is still in its critical juncture of transition to fully functioning democracy. Mr. Marzuki has said “Patience will not help Myanmar’s democratization, it will only help those that seek to derail it”. But, the opposite is true. It is not by revolution that we are building democracy. Our leader State Counsellor Daw Aung San Suu Kyi has chosen a peaceful path through national reconciliation and national consensus which requires tremendous patience and political wisdom.

In her end of mission statement upon conclusion of her third visit to Myanmar from 10-20 October, the Special Envoy of the Secretary-General Ambassador Christine Schraner Burgener highlighted accountability and inclusive dialogue as the two important pillars for national reconciliation in Myanmar. She said ultimately, only peace and genuine political dialogue can address these problems. She stressed the need for patience and more trust building, and offered herself to help advance the peace process towards a “home grown solution”.

We concur fully with the Special Envoy. Patience and trust building is key to the success of our common efforts to find viable and sustainable solution to the present humanitarian crisis and the whole issue of northern Rakhine. This is the way to lead us to realizing our ultimate national goal of building a truly democratic federal union.

I thank you.

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