

3 February 2020

**Letter to UN Security Council members regarding Myanmar's Independent Commission of Enquiry and the Provisional Measures ordered by the International Court of Justice**

Your Excellency,

We are writing to you in light of the recently published summary of the final report of Myanmar's Independent Commission of Enquiry (ICOE), which was issued the same week that the International Court of Justice (ICJ) ordered Myanmar to take immediate action to prevent genocide against the country's persecuted Rohingya minority. In particular, we would like to raise grave concerns regarding the ICOE's: (1) independence and impartiality; (2) methodology; and (3) flaws in narrative and findings. *(Please refer to the annexed factsheet for a detailed explanation.)*

The ICOE's independence and impartiality have been seriously undermined by its reliance on the Office of the President of Myanmar for financial and technical support, as well as by the composition of the Commission itself, which includes at least one official directly implicated in the bulldozing of Rohingya villages damaged during the 2017 crisis in Rakhine State. The executive summary of the ICOE's report also provides no information as to what sources and materials were relied upon beyond individual interviews, nor how the ICOE corroborated and verified this information, making it impossible to assess the quality of their methodology. Crucially, the ICOE did not interview a single Rohingya refugee in Cox's Bazar, Bangladesh, regarding the circumstances that resulted in over 700,000 people fleeing the country. Finally, there are serious flaws and misrepresentations in the ICOE's narrative of the crisis in Rakhine State, including disturbing inaccuracies and omissions in relation to mass rape and widespread sexual violence directed at Rohingya women and girls during the military's so-called "clearance operations."

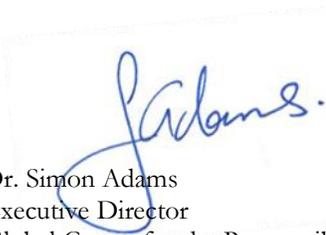
Your Excellency, rather than focus on the flawed ICOE report, we beseech you and the entire UN Security Council to focus instead on the recent provisional measures order of the ICJ, the principal judicial organ of the United Nations. This order is legally binding and compliance is essential to international peace and security.

We therefore urge you to uphold your responsibility to protect and closely monitor Myanmar's strict compliance with the ICJ order, including by urgently repealing or amending all laws that systematically discriminate against the Rohingya. We also urge you to work closely with both the People's Republic of Bangladesh and the Republic of the Union of Myanmar to ensure that all Rohingya refugees are able to voluntarily return in safety and dignity to Rakhine State. Pending a final judgement of the Court, we implore you to use your position on the Security Council to ensure that the suffering of "the world's most persecuted minority" finally comes to an end.

Yours truly,



Akila Radhakrishnan  
President  
Global Justice Center



Dr. Simon Adams  
Executive Director  
Global Centre for the Responsibility to Protect