MYANMAR

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Statement by Ambassador Hau Do Suan,
Permanent Representative of the Republic of the Union of Myanmar to the United Nations
in response to the Presentation made by Mr. Marzuki Darusman,
Chair of the former Independent International Fact-finding Mission on Myanmar
Agenda Item 70- c "Promotion and protection of human rights: Human rights situation and reports of special rapporteurs and representatives at the Third Committee of the 74th Session of the United Nations General Assembly
(New York, 22 October 2019)

Mr. Chairman,

First of all, let me make it clear that Myanmar's participation in this interactive dialogue does not, in any way, be interpreted as recognizing the International Independent Fact-finding Mission (FFM) on Myanmar, its mandate or any of its reports.

A few moments ago, in this very chamber, my delegation had stated valid reasons why Myanmar could not work with the present Special Rapporteur of Human Right Situation in Myanmar.

Just now, we have heard the chair of the FFM. As expected, we heard one sided views, unsubstantiated allegations, misleading information based on secondary sources, and narratives. Obviously, he completely ignored contradicting evidence and facts including the devastated situation experienced by innocent Hindu minority as well as the other ethnic nationalities in Rakhine State. The whole work of the FFM validated our rejection of the Mechanism.

Mr. Chairman,

Myanmar always takes the issue of accountability seriously, and clearly states time and again that perpetrators of all human right violations for causing a large outflow of displaced persons to Bangladesh must be held accountable. However, we will never accept any attempt to exert unjust and unwarranted political pressures under the pretext of accountability.

In the same vein, I would like to reiterate our rejection of the establishment of the Independent Investigative Mechanism (IIM) on Myanmar. This mechanism is yet another form

of unprecedented discriminatory scrutinization on a member country. It was set up beyond the mandate of the UN General Assembly and the Human Rights Council. Therefore, we do not recognize nor will we cooperate with this mechanism.

Mr. Chairman,

The democratic civilian Government of Myanmar has set out the agenda for peace and national reconciliation as a national priority. Moreover, it has been striving to translate its commitments of advancing human rights into practice for all people. Rakhine State issue is just one of the many challenges that we are facing as a young democratic nation. The Government has given high priority to find a lasting solution to the protracted problems in Rakhine State, which resulted in the formation of Rakhine Advisory Commission led by the late Secretary-General Dr. Kofi Annan. The issue cannot be seen solely as humanitarian and human rights problems affecting one particular community. It needs to be looked at from the wider scope and holistic point of view.

Despite our genuine efforts to solve the long-standing complex problems in Rakhine State, the Arakan Rohingya Salvation Army (ARSA) terrorist attacks of Myanmar Border Guard posts in October 2016 had caused the initial outflow of displaced persons across the border, following counter-terrorism operations. Subsequently, the then High Commissioner Zeid of the Office of the High Commissioner for Human Rights (OHCHR) sent his team to Bangladesh to compile a flash report on the humanitarian situation. The flash report was issued on 3 February 2017. It was based on the information gathered from interviews with displaced people in the camps in Cox's Bazar without established facts. This had led to the formation of the Independent International Fact-Finding Mission by the HRC.

We objected to the formation of FFM because we are seriously concerned particularly about the advisability of its establishment and the mandate of the Mission. Moreover, we warned the international community that the formation of Fact-Finding Mission would help nothing but deepen the wound and would create greater hostility between different communities in the Rakhine State.

The FFM issued one report in August 2018 and three reports in 2019. The reports mostly contained the narratives of the alleged victims of the displacement without hard evidence. The FFM in its reports portrayed the Myanmar security forces as perpetrators of mass atrocity crimes while deliberately ignoring or discounting the provocative and premeditated armed attacks of ARSA terrorists on various security posts in October 2016 and August 2017 which were the undeniable causes of the present humanitarian situation. Most importantly, the FFM never condemned the well-documented atrocity crimes committed by ARSA that resulted in the death

of security personnel and hundreds of innocent people in Rakhine, including a hundred Hindu villagers, in August 2017.

We are again appalled by the politically motivated, biased, and harmful recommendations contained in the final reports. The justification that FFM gave for economic isolation will inflict economic hardship to the ordinary people of Myanmar and will cause negative impact on the enjoyment of their human rights, including the right to development.

Those reports not only cast the dark shadow on the Human Rights Council and the UN system, but also disconcert the whole population of Myanmar, who had looked to the UN during their long struggle for democracy. The reports clearly demonstrate hostile intentions towards the democratically elected government and the peace-loving people of Myanmar. The Government, Chambers of Commerce, Confederation of Trade Unions in Myanmar, Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine State (UEHRD), and private companies have voiced their strong condemnation of the reports and their allegations. Confederation of Trade Unions even called FFM to hold accountable for its recommendations made in the reports.

Mr. Chairman,

We are seriously concerned about the widespread terror threats of ARSA in the camps in Cox's Bazar. Death threats and intimidation of ARSA against displaced persons have made the repatriation process impossible to commence. Recently, the German news agency DW has revealed that over three thousand five hundred ARSA terrorist individuals are sheltering in the refugee camps in Bangladesh. They have reportedly threatened aid workers and even killed people who expressed their desire to return to Rakhine State.

There is an urgent need to address the security threat of ARSA in the refugee camps to create a conducive condition for the speedy implementation of the repatriation process.

Mr. Chairman,

Myanmar has never fallen short of its commitment to the accountability for human rights violations in Rakhine or any other place in the country. We are willing and able to take on the accountability issues for any alleged human rights violation where there is sufficient evidence.

We are addressing the issue of accountability by setting up the Independent Commission of Enquiry (ICoE) in July 2018. The Commission is tasked to investigate

allegations of human rights violations and related issues following the terrorist attacks by ARSA, to seek accountability and reconciliation. The Commission will act as a fact-finding commission with special investigative and judicial powers under the Investigative Committee Act 1950. It will then submit a report to the President of Myanmar with its recommendations. Members of the ICoE have visited Bangladesh from 17-22 August 2019 to prepare the groundwork. The Commission is now awaiting approval from the Bangladesh Government for the ICoE's Evidence Collection and Verification Team (ECVT) to visit Cox's Bazar to interview and collect evidence from the alleged victims.

A military investigation into Rakhine-allegations is also currently being undertaken by the Office of the Judge Advocate General. A recent announcement suggests that there will soon be a court-martial. The integrity of these independent investigations should not be compromised by international actors.

Mr. Chairman,

The issue in Rakhine State is one of the many complex challenges faced by Myanmar on its path towards democracy. The government has been striving through a holistic approach for long term stability, security, and sustainable development in the State. Our priority now is to expedite repatriation and to create a more conducive environment for verified returnees. To this end, we are working hard in cooperation with Bangladesh, UNDP,UNHCR, ASEAN, friends, and well-wishers.

Our cooperation with the international community is based on our faith in the principles and purposes of the UN Charter and multilateralism. However, there has been a growing sentiment among the people of Myanmar that they are being treated unfairly by the international community about the situation in Rakhine State. There is obviously diminishing trust between the two sides.

The success of multilateralism depends on the extent of states' adherence to the UN Charter and international law governing the conduct of inter-state relations, including respect for sovereignty and territorial integrity, non-interference in the internal affairs of state, mutual respect and peaceful settlement of disputes.

If the United Nations, the centerpiece of the multilateralism, acted beyond its mandates in the interest of certain groups of countries and failed to deliver the purpose of the Charter in defending member states without discrimination, it will lose the trust and confidence of the people of member countries.

We are grateful to our friends near and far who have been steadfastly standing with us to face the challenges that we are encountering today. As for the People and Government of

Myanmar, we are confident and determined to overcome all the challenges with the spirit of national unity and the collective strength of our people.

I thank you, Mr. Chairman.

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