

# MUNAA

Background Paper

## HRC II

Securing Justice  
for Myanmar Victims



Welcome, delegates.

MUNAA 2018 secretariat, moderators, directors, staff and DIS directors have been working hard through the last few months to make this event possible. We are glad to have every single one of you here.

This November 29, 30 and December 1st you will employ and develop skills to implement solutions to current and relevant world problems. You will also have the opportunity to face and debate different ideas and practice tolerance and respect, and of course you'll have the opportunity to reconnect with old friends and make new ones.

Our goal is that every single one of us becomes aware that developing and improving different skills is only the beginning and that our ultimate objective is understanding that giving up is not an option, that there are possible solutions to every issue and knowing that every action has a global reaction.

We hope that you all have the best experience and a lot of fun. Thank you for making this event possible.

Let's change the world together!



Ana Sofia Juarez Villarreal

*Secretary General, MUNAA 2018*

Every action, a global reaction



**DIS**

Department of International Studies



Committee: United Nations Human Rights Council

Topic b): Securing Justice for Myanmar Victims

Director: Lorena Martinez Benitez

Moderator: Esteban Guerrero Telles

## **I. Committee Background:**

The Human Rights Council was created by the United Nations General Assembly on March 15th, 2006. The council's first session took place from the 19th to the 30th of June in 2006. The human rights council was created to address human rights issues, in where individuals and organizations will join to find solutions to this issues and to bring human rights violations to the attention of the Council. The council works with the UN Special Procedures and it is made up of special rapporteurs, special representatives, independent experts and working groups that monitor, examine, advice and publicly report on thematic issues or human rights situations in specific countries.

The Human Rights Council is the main inter-governmental body in the United Nations system responsible for addressing situations of human rights violations. The Council was created by the United Nations General Assembly on March 15th, 2006. It also receives thematic and country-specific reports from a series of independent expert mechanisms, including special procedures, as well as from the Office of the High Commissioner for Human Rights. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. When creating the Human Rights Council in March 2006 the United Nations General Assembly decided that the Council's work and functioning should be reviewed five years after it had come into existence at the level of the General Assembly.

Its mission is to promote and protect human rights from people from around the world, making sure that these are respected and are taking into consideration.

## **II. History of the Topic:**

The United Nations Human Rights Council should act to preserve and create a path of justice for victims of atrocities in Myanmar. The Human Rights Council adopted a resolution to this issue and to take action on the human rights situation in Myanmar as parts of its 39th session, which started on September 10, 2018. The session follows the report in August by the UN Fact-Finding Mission on Myanmar, which detailed horrible crimes against Myanmar civilians, such as war crimes and genocide by Myanmar's security forces in Rakhine State. This panel was created on March 2017 to document violations by Myanmar's security forces and non-state armed groups "with a view to ensuring full accountability for perpetrators and justice for victims". There were also documented and examined abuses in Shan and Kachin States. "The Human Rights Council should demonstrate its resolve to bring Myanmar's generals to justice for their heinous crimes," said John Fisher, Geneva director. "The council should underline the UN Security Council's responsibility to refer Myanmar to the International Criminal Court and create an evidence-gathering body to prepare case files for future trials."

The Fact-Finding Mission suggested that it would be a good idea that either the Human Rights Council or the UN General Assembly should create as a matter of urgency an international, independent, impartial mechanism, just like the one on Syria. The Fact-Finding Mission will provide a detailed compilation of its findings and conclusions to the Human Rights Council on September 18. The actual question and answer document analyzes the Fact-Finding Mission's report, the role of the Human Rights Council in addressing its findings, the need for a Security Council referral Myanmar to the International Criminal Court (ICC), and the recent decision by ICC judges confirming the court's jurisdiction for the crime of deportation.

### **III. Topic Information:**

The United Nations (UN) Human Rights Council has advanced justice for victims of grave crimes in Myanmar by creating an international body to help prepare case files for future criminal proceedings. The Council on September 27th, 2018 passed a resolution for that purpose, a joint initiative of the Organisation of Islamic Cooperation and the European Union, by a vote of 35 to 3, with 7 abstentions. "The Human Rights Council took an important step for justice by creating a body to pinpoint criminal responsibility for the countless atrocities in Myanmar," said John Fisher, Geneva director at Human Rights Watch. "It deals a blow to Myanmar's deep-seated culture of impunity and moves victims closer to seeing Myanmar's generals held to account."

The resolution mandates the new body to "collect, consolidate, preserve and analyze evidence of the most serious international crimes" in Myanmar since 2011 and to "prepare files, to facilitate independent criminal proceedings." The resolution calls on the UN secretary-general to appoint staff and allocate the resources necessary to support the body's work. The UN secretary-general should act promptly to ensure that it is fully operational as soon as possible. "The UN General Assembly should support justice for victims of murder, sexual violence, and mass arson by welcoming the new body and calling on Myanmar's government to cooperate with it," Fisher said. "Raising the mechanisms profile in the General Assembly would also make clear that all countries, including Security Council members, should make justice a priority as part of any proposed solution to Myanmar's devastating rights crisis." History will choose how this Council and its members respond to the atrocities committed in Myanmar. Member states should think carefully about which side they choose to be on - standing side by side with victims in pursuit for justice and accountability, or shielding perpetrators from scrutiny for the most serious crimes under international law.

#### **IV. United Nations Action:**

U NYAN WIN, Minister for Foreign Affairs of Myanmar, said there was no doubt the United Nations was the best forum for addressing the world's challenges. While the United Nations had devoted the most attention to peace and security, new global challenges such as climate change, poverty, hunger, water, and energy insecurity demanded urgent and careful actions. Yet the world was also full of injustice, conflicts, interference in internal affairs and attempts to impose domination on developing nations. Myanmar stressed the pressing need for strengthening the United Nations to make it more democratic and effective to meet growing challenges, firmly believing that reform must reflect increasing membership. The Security Council had to become more transparent and efficient, and Myanmar supported expanding both categories of its membership. International assistance played an important catalytic role in developing countries' development efforts and Myanmar emphasized indiscriminate fulfillment of development assistance, increased investment, market access and resolving debt problems were essential to meeting the Goals. It was time to remove unjust economic coercive measures and trade embargoes that hampered the attainment of the Goals and hurt people, he said. Despite challenges, Myanmar had made certain progress achieving the eight Goals, especially in the fields of poverty alleviation, food security, and promotion of education and health. Myanmar was also working closely with other countries on the fights against transnational crimes, terrorism and prevention and response to pandemic diseases, which required a global solution and concerted action.

## **V. Conclusion:**

The UN and the Human Rights Council are making an effort to ensure justice for the Myanmar victims. Besides of securing justice they are recollecting all the evidence about abuses and crimes that have occurred in Myanmar as well as documenting all these experiences to take actions in future similar situations. Without a doubt, they will try to fix this problem as soon as possible by accomplishing the UN goals. The UN and the Human Rights Council are taking into consideration that the perpetrators should pay for the crimes. To reach this plans this two organizations should take into consideration the crimes that have been occurring, and how much they are affecting the civilians, as well as the consequences that the defendants should face.

## **VII. Guiding Questions:**

1. Has your country any loop with Myanmar?
2. How can your country contribute to help make justice to the Myanmar victims?
3. Has your country any rights that can or should be applied to fix this situation?
4. Will your delegation be affected by this issue?
5. Has your country suffered a similar situation?

## **VIII. Bibliographies**

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