

JAMES P. MCGOVERN, Massachusetts  
Co-Chair



RANDY HULTGREN, Illinois  
Co-Chair

One Hundred and Fifteenth Congress  
**Tom Lantos Human Rights Commission**

September 18, 2018

The Honorable Mike Pompeo  
Secretary of State  
U.S Department of State  
2201 C Street NW  
Washington DC 20520

Dear Secretary Pompeo,

As Co-Chairs of the Tom Lantos Human Rights Commission, an official bipartisan human rights body in the House of Representatives, we write today to urge you to bring to bear the full weight of the Administration's diplomatic influence to ensure accountability for those responsible for grave human rights crimes committed against Burma's ethnic minority communities. Specifically, we urge your support for the referral of Burma to the International Criminal Court (ICC) and for efforts for a credible, international accountability mechanism including to preserve evidence that can be used to build criminal cases against individuals for future prosecution during the upcoming session of the U.N. General Assembly.

Last month marked the one-year anniversary of the Arakan Rohingya Salvation Army (ARSA) attack against Burmese security outposts that was used by the Burmese military and security forces to justify the start of violence targeting the Rohingya population – actions now believed to constitute acts of genocide. Thousands were killed and more than 700,000 Rohingya were forced to flee to neighboring Bangladesh as the security forces, at times with mobilized local non-Rohingya citizens, systematically tortured and killed Rohingya men, women, and children; raped women and girls; and burned homes and villages. Credible and respected human rights organizations, including Amnesty International, Fortify Rights and Human Rights Watch, and the Office of the United Nations High Commissioner for Human Rights have all reported on the highly organized and systematic nature of the operation. Recent research has demonstrated the extensive preparations that were in place for the operation in advance of the ARSA attack and documented the chain of command responsibility of the Burmese military units involved. The operation occurred in a context of years of institutionalized discrimination

against the Rohingya people and has caused one of the worst humanitarian crises of our time.

Although perhaps the best known, the Rohingya are not the only victims of the brutality of the Burmese security forces. For years, the same human rights entities investigating the atrocities against the Rohingya have also documented grave human rights abuses and crimes against humanity, including widespread sexual violence and the destruction of churches and livelihoods, committed against minority ethnic and religious communities in Kachin and northern Shan states as well as other ethnic-minority states in Burma. Armed conflict has escalated in Kachin, Shan and Kayah states in recent months, further swelling the ranks of the internally forcibly displaced population in Burma, estimated to number 241,000. Humanitarian access is precarious throughout the country; denial of humanitarian access may itself constitute a war crime and a crime against humanity.

Burmese authorities have shown that they are unwilling and unable to credibly investigate much less prosecute the perpetrators of crimes against minority ethnic communities. The government consistently denies allegations of human rights violations. Past internal investigatory commissions have found no wrongdoing on the part of the Burmese security forces. Min Aung Hlaing, the commander-in-chief of the armed forces who delegated authority for the genocidal attacks against the Rohingya, has thus far escaped accountability and has not been sanctioned. Aung San Suu Kyi, for decades a human rights icon, has failed to use her limited political but significant moral authority to speak out against the human rights abuses. As yet, we see little political will in the senior ranks of Burma's military and political establishment to deal with the country's human rights situation, even as the humanitarian crisis and its international costs grow.

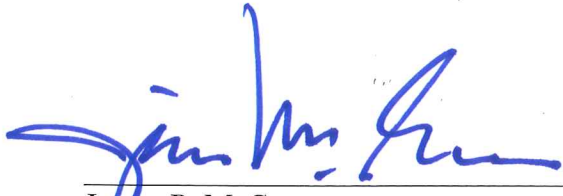
In July, the Tom Lantos Human Rights Commission held a hearing on victims' rights in Burma. The witnesses – including two Burmese, one Rohingya and one Kachin – spoke movingly and repeatedly of the need to hold those responsible for grave human rights abuses, including sexual violence, ethnic cleansing and even genocide, accountable for their crimes. Justice is essential for reconciliation in affected communities, and indeed, an important step toward establishing a pluralistic democracy in Burma.

We commend you and other senior officials within the Administration for condemning the horrific attacks on the Rohingya and we welcome the imposition of sanctions on several military officials in recent months. We urge you to build this momentum because much more is needed.

We recall how the Administration of George W. Bush condemned the genocidal attacks in Darfur, Sudan and that on March 31, 2005, the United Nations Security Council passed a resolution to refer the situation to the ICC. We urge you to follow that example by working with other member states to refer the Burmese case to the Court and to support efforts for a credible international accountability mechanism, including to

preserve evidence to build criminal cases for future prosecution. To do anything less is to send a deeply troubling message to the victims of atrocities in Burma and to any other government contemplating unleashing similar violence on its people. The United States must stand for justice and accountability in Burma.

Sincerely,



James P. McGovern  
Co-Chair, TLHRC



Randy Hultgren  
Co-Chair, TLHRC

CC: The Honorable Nikki Haley, United States Ambassador to the United Nations