Rohingya crisis: Myanmar military chiefs should face 'genocide' case, says UN team

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"The crimes in Rakhine state, and the manner in which they were perpetrated, are similar in nature, gravity and scope to those that have allowed genocidal intent to be established in other contexts," the report said, alluding to a region of Myanmar that is home for many Rohingya.

The team cited a â€œconservativeâ€• estimate that some 10,000 people were killed in the violence, but outside investigators have had no access to the affected regions â€" making a precise accounting elusive, if not impossible. (AP Photo, File)

Geneva: Investigators working for the UNâ€™s top human rights body said Monday that top Myanmar military leaders should be prosecuted for genocide against Rohingya Muslims. The call, accompanying a first report by the investigators, amounts to some of the strongest language yet from UN officials who have denounced alleged human rights violations in Myanmar since a bloody crackdown began last August.

The three-member â€œfact-finding missionâ€• working under a mandate from the UN-backed Human Rights Council meticulously assembled hundreds of accounts by expatriate Rohingya, satellite footage and other information to assemble the report.

The UN-backed Human Rights Council created the mission six months before a rebel attack on security posts set off the crackdown that drove hundreds of thousands of Rohingya fleeing to neighbouring Bangladesh.

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Through hundreds of interviews with expatriate Rohingya and use of satellite footage, the team compiled accounts of crimes including gang rape, the torching of hundreds of villages, enslavement, and killings of children â€" some before their eyes of their own parents.

The team was not granted access to Myanmar and has decried a lack of cooperation or even response from the government, which received an early copy of the report.

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Above all, the investigators said the situation in Myanmar should be referred to the International Criminal Court, and if not, to a special tribunal. Last week, Myanmarâ€™s government rejected any cooperation with the ICC, to which it is not a party. China, a permanent member of the UN Security Council with veto power over whether the issue will be brought before the ICC, has been reticent about condemning Myanmarâ€™s government during the crisis.

Human rights watchers say determining â€œgenocidal intentâ€• is perhaps the most difficult criteria to meet: In essence, itâ€™s the task of assessing the mindsets of perpetrators to determine if ethnicity, race, religion or another attribute had motivated them. (Photo: Reuters)

UN officials and human rights watchers have for months pointed to evidence of genocide in Myanmar, and the United States late last year said that â€œethnic cleansingâ€• was occurring in Myanmar. But few experts have studied the issue as in-depth and in such an official way as the fact-finding team, with a mandate from a body that has Myanmarâ€™s approval: The country is among the 47 members of the Human Rights Council.

The United Nations does not apply the word â€œgenocideâ€• lightly. The fact-finding teamâ€™s assessment suggests the crimes against the Rohingya could meet the strict legal definition â€” which was last met over crimes in Bosnia and Rwanda nearly a quarter-century ago.

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â€œThe crimes in Rakhine state, and the manner in which they were perpetrated, are similar in nature, gravity and scope to those that have allowed genocidal intent to be established in other contexts,â€• the report said, alluding to a region of Myanmar that is home for many Rohingya.

Adding into their assessment: The extreme brutality of the crimes; â€œhate rhetoricâ€• and specific speech by perpetrators and military commanders; policies of exclusion against Rohingya people; an â€œoppressive context;â€• and the â€œlevel of organization indicating a plan for destruction.â€•

The investigators cited six Myanmar military leaders by name as â€œpriority subjectsâ€• for possible prosecution, led by the commander-in-chief, Min Aung Hlaing. A longer list of names is to be kept in the office of the UN human rights chief for possible use in future judicial proceedings. The United States and European Union have already slapped sanctions on some Myanmar military leaders, though Min Aung Hlaing is not among them.

The authors called for the creation of a special body, or â€œmechanism,â€• to keep watch on the still-evolving human rights situation in Myanmar. They said the United Nationsâ€™ own role in the country since 2011 should be reviewed to see if the world body did all it could to prevent such a crisis.

They also faulted Aung San Suu Kyi for not using her role as head of Myanmarâ€™s government, nor her â€œmoral authorityâ€• â€” she is a Nobel peace prize laureate â€” to stop the events in embattled Rakhine state.

- AP