

WRITTEN EVIDENCE FROM THE MYANMAR ACCOUNTABILITY PROJECT (MAP) (MYA0045)

1. The Myanmar Accountability Project, MAP, is a London based NGO prosecuting criminal cases in the English courts and those in other jurisdictions to promote justice and accountability for the people of Myanmar. [Myanmar Accountability Project \(the-world-is-watching.org\)](https://www.the-world-is-watching.org)
2. MAP welcomes the inquiry of the Foreign Affairs Committee into the crisis in Myanmar and urges it to make legal accountability a central theme of its report, including highlighting the principle of universal jurisdiction as an effective strategy for achieving this.
3. MAP is working discreetly with civil society and human rights organizations in Myanmar, Thailand and the UK to build criminal cases against individual members of the military junta and state security forces and we are liaising with the Independent Investigative Mechanism for Myanmar [IIMM | \(un.org\)](https://www.un.org) and other mechanisms promoting accountability.
4. Our team includes some of the top criminal lawyers in the UK and a leading rights protection specialist in the UN. Our Director covered the Burmese uprising in 1988 for the BBC and, after a 23-year BBC career, went on to work as a public advocacy and communications director at the United Nations in the Middle East. [Our Team - Myanmar Accountability Project \(the-world-is-watching.org\)](https://www.the-world-is-watching.org)
5. The premise of MAP is that accountability and justice are prerequisites for a durable resolution of the crisis in Myanmar. Pursuing legal accountability in foreign court such as in the UK, through the principle of universal jurisdiction, is becoming increasingly important 1) because due process is not possible in Myanmar and 2) the international criminal mechanisms are becoming increasingly politicised.
6. We would like to see the committee endorse this approach, individually and in parliament, because it significantly adds to the accountability mechanisms currently available, it uses untried legal routes and may produce useful precedents, it is less prone to political interference and it may lead to speedier outcomes.
7. Much of MAP's current work focuses on Article 134 of the UK's 1988 Criminal Justice Act which allows for perpetrators of torture to be tried in English courts regardless of where they are based. While this legal provision has been used to bring perpetrators to justice in other contexts, it has not yet been tried with respect to Myanmar.
8. MAP teams and partner organisations are gathering evidence in both the interior of Myanmar and the ethnic nationality areas, as well as among Rohingya refugee communities in Bangladesh who have had acts of genocide perpetrated against them in Rakhine State.
9. Unlike some other human rights organisations, we are not attempting to produce fact-finding reports which systematically document violations and abuses nationwide. Instead, we are working on a small number of cases against specific individuals, where we believe criminal prosecution will be successful.

10. Once we have drawn up fully developed criminal case files, we will bring these cases through national courts, including in the UK, if possible. Meanwhile, we are conducting private and public advocacy to underline the importance of legal accountability to address the crisis in Myanmar and support those organizations working in the country to this end.
11. One of our current cases centres on the London residence of the Myanmar Ambassador who was removed from his position by colleagues sympathetic to the coup, and faces eviction from the residence. MAP is working with one of the UK's leading criminal law firms, Peters and Peters to challenge his eviction and has been working with media partners to promote accountability. [Myanmar embassy row could be used as UK test case against junta | Myanmar | The Guardian](#); [Myanmar's ousted UK Ambassador faces being kicked out of official residence | Politics | News | Express.co.uk](#);
12. In relation to the above case, our sense is that an English judge may determine that the military government is illegitimate and that this will set a precedent in other countries which are deliberating on the issue of diplomatic recognition. If that decision is forthcoming, we will leverage it for maximal public advocacy purposes in the UK and international media. We welcome the approach that the UK Government has taken in relation to this case and we would ask the committee to endorse it.
13. It is important to MAP that our work is covered in the Myanmar media, sending a message to the Generals that they will be held accountable and to the people of Myanmar that they are not abandoned and that the outside world is working to hold the Myanmar security forces accountable. [Responding to Myanmar's Junta: An Alternative to Sanctions and Boycotts \(irrawaddy.com\)](#); [Myanmar Junta Faces UK Legal Action over Claims to Ambassadorial Home in London \(irrawaddy.com\)](#) [We have strong connections with the media and journalists working in the country and call for better efforts to protect them](#)
14. At present we are working exclusively in the UK, but, if funding allows, we may bring cases in other, more permissive jurisdictions, such as Australia, Belgium, Germany, Holland, Sweden and Switzerland.
15. MAP endorses the efforts of groups such as the Burma Campaign UK to make Universal Jurisdiction in the UK more effective [The need for a new Universal Jurisdiction Law in the UK | Burma Campaign UK](#)
16. MAP welcomes the steps taken by the UK Government to fight impunity and hold the military junta in Myanmar to account including through the imposition of sanctions on the army generals and military units responsible for atrocity crimes as well as their economic interests, and through the Security Council as Penholder on Myanmar. However, MAP believes that these measures fall short of what could be achieved and would recommend that the Foreign Affairs Committee call upon the UK Government to:
 1. Publicly recognise the National Unity Government (NUG) as the legitimate government of Myanmar and encourage other states to take the same position.

2. Reverse cuts in UK aid to Myanmar and provide greater funding to human rights organizations operating in the country, including those working on legal accountability.
3. Make public its support for the principle of 'universal jurisdiction' as an effective legal measure for seeking accountability for atrocity crimes and provide support to those organizations working to prosecute these.
4. Continue to press for the UN Security Council to refer to the situation in Myanmar to the International Criminal Court (ICC) and support the case of Gambia against the state of Myanmar in the International Court of Justice (ICJ).
5. Call upon the UN to develop an effective human rights strategy in the country as per the Secretary General's Call to Action on Human Rights and Human Rights Up Front initiatives and make sure that the UN is properly resourced to implement the strategy.
6. Propose that the UK put pressure on the UN to support the ASEAN five-point consensus plan to resolve the crisis in Myanmar and underline the importance of legal accountability in any negotiations between the parties, ensuring that there is no amnesty for those that have committed atrocity crimes. As a dialogue partner, the UK should also keep up the pressure for ASEAN intervention by supporting the creation of a timeline for action eg a deadline for the appointment of an ASEAN Envoy which has still not taken place, weeks after the ASEAN meeting in Jakarta.
7. Propose that the UK Ambassador at the UK Mission at the UN in New York make representations to the Executive Office of the Secretary General, requesting that he invoke article 99 of the UN Charter, which allows the Secretary General to "bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security." This would allow the Security Council to debate the matter more meaningfully and in a manner which would expose to international scrutiny the fact that Russia and China, two of the largest arms suppliers to Myanmar, are blocking effective UN action.

17. If you have any questions about MAP and our work, please contact Chris Gunness at cgunness@outlook.com or Damian Lilly at damianlilly@yahoo.co.uk

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