

United States Senate

WASHINGTON, DC 20510

December 9, 2019

Aung San Suu Kyi
State Counsellor
Naypyidaw
Burma

Dear State Counsellor Aung San Suu Kyi:

We write to you today as a bipartisan group of U.S. Senators who believe strongly in a democratic, inclusive, and prosperous Burma. We championed and welcomed your release in November 2010, and the Burmese general elections in 2015. It was a historic milestone in your countries' partial transition to a full-fledged democracy. We understand that such transitions are rarely easy and that you face internal challenges, particularly from the military. But complexity cannot be an excuse. Your handling of the brutal 2017 so-called "clearance operations" – which killed thousands and caused more than 740,000 Rohingya to flee for their lives to Bangladesh – is inexcusable. Accordingly, we are disappointed to hear that you will be leading a team to The Hague, Netherlands, before the International Court of Justice (ICJ) to speak regarding the case submitted by The Gambia that relates to Burma's obligation under the 1948 Genocide Convention. We are concerned that you will publicly excuse the actions of the Burmese military which likely conducted "genocidal acts" against the Rohingya in 2017, per Marzukri Darusman, the chairperson of the United Nations Human Rights Council established Independent International Fact-Finding Mission on Myanmar (IIFMM).

While it is ultimately up to a court of law to determine criminal accountability, evidence of crimes committed by the Burmese military is overwhelming. The IIFMM reported that genocidal acts, crimes against humanity, and war crimes had been conducted at the hands of the Burmese military. It also found that "torture and ill-treatment" of suspected insurgents and sexual and gender-based violence by the Burmese military "remains a prominent feature of the conflicts in Shan and Kachin States."

We are also concerned about the estimated 600,000 Rohingya who remain in Burma, whose living conditions have worsened despite claims by your government to the contrary. They continue to face persecution and are at risk of genocide. The IIFMM reports make clear that your government incurs "state responsibility" under the prohibition against genocide and crimes against humanity, which will be important for the ICJ to consider. Besides the IIFMM reports, numerous human rights organizations and reputable individuals and institutions have come to the same conclusion.

Representing the Burmese military's interest before The Hague and defending the mass atrocities committed against the Rohingya and other ethnic minorities would undermine what remaining credibility you have before the international community, including in the U.S. Congress. A defense of the Burmese military at this high-profile international forum is also an affront to the

inclusive, multi-cultural, multi-ethnic and democratic Burma that you claim to champion. At a time when Buddhist nationalism is on the rise in Burma, shielding the military's criminal acts sends a signal that you stand alongside human rights violators. While we agree with the need to defend the national interest and sovereignty of Burma, such interest also lies in supporting the rights of all of the people in Burma including ethnic minorities in Rakhine, Chin, Kayin, Kachin and Shan States.

We urge you to fully cooperate with the ICJ. This should include moving forward with any provisional actions that might be recommended or discussed at the ICJ. Your government must also provide complete and unfettered access throughout the country to the United Nations Independent Investigative Mechanism for Myanmar so that they may investigate all allegations of crimes under international law and other human rights violations and abuses.

We stand ready to support your country if you choose to take this crucial moment on the international stage to defend the human rights of the Rohingya and other ethnic minorities in Burma. However, a failure to do so means we will continue to use instruments of U.S. diplomatic power to bring the Burmese military to account for the injustices committed. A democratic and rights-respecting, inclusive Burma is the only successful path forward.

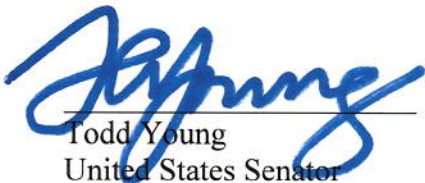
Sincerely,



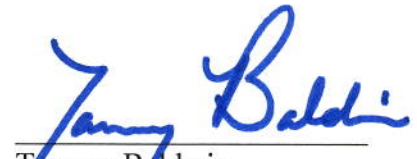
Marsha Blackburn
United States Senator




Richard J. Durbin
United States Senator



Todd Young
United States Senator



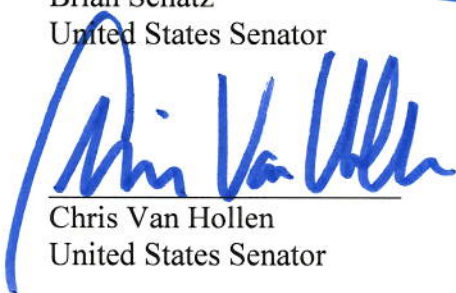
Tammy Baldwin
United States Senator



Brian Schatz
United States Senator




Jeffrey A. Merkley
United States Senator

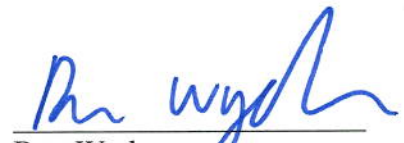


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