



20 May 2021

Media Statement: Communication to the International Criminal Court, Myanmar

Today, LAWASIA, the Law Association for Asia and the Pacific, submitted a Communication to the International Criminal Court, requesting that the Office of the Prosecutor (“**OTP**”) investigate, under Article 15 of the Rome Statute, the crimes being perpetrated by the unelected authorities in Myanmar against Myanmar’s civilian population.

President of LAWASIA, Mr Chunghwan Choi, said that the violence being perpetrated against Myanmar’s civilian population, and the ongoing detention of its democratically elected leaders, must be urgently investigated. To date, 807 civilians have reportedly been killed and 4,174 arbitrarily arrested since the military takeover of Myanmar on 1 February 2021.

“We, as legal professionals and representatives of lawyer associations, must use our unique understanding of the international legal system to fight against human rights violations. We can no longer sit idly by while a civilian population in a jurisdiction at the heart of our region is mercilessly subjected to such acts of crime and violence”, Mr Choi said.

In its Communication, LAWASIA submits that the systemic and premeditated use of military weapons, such as tanks and grenades, by the Myanmar authorities on civilians is wholly unacceptable, and that the Myanmar authorities have reacted disproportionately and without regard to the rule of law.

LAWASIA submits that the crimes allegedly perpetrated by the Myanmar authorities, particularly murder and torture, would fall within the definition of Crimes Against Humanity under Article 5 of the Rome Statute. While acknowledging that Myanmar is not a State Party to the Rome Statute, LAWASIA submits that this jurisdictional hurdle may be overcome through the principle of universal jurisdiction.

“In addition to providing the only real mechanism for investigating the crimes being perpetrated in Myanmar and holding those responsible to account, we consider that an investigation by the OTP will demonstrate that the international community rejects the violence being perpetrated against a civilian population by a military leadership that has usurped power. It will also demonstrate that the indiscriminate killing and detention of a civilian community does not accord with international criminal or human rights law and will not be tolerated”, Mr Choi said.

“LAWASIA respectfully requests that the OTP consider our Communication and urgently commence an investigation into the situation in Myanmar”.