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Report of the Independent Investigative Mechanism for Myanmar

Summary

The present document is the fifth report submitted by the Independent Investigative Mechanism for Myanmar to the Human Rights Council pursuant to resolution 39/2 of 27 September 2018. It covers the activities carried out by the Mechanism between 1 July 2022 and 30 June 2023.

Four years after it began operations, the Mechanism continues to actively monitor and investigate the deteriorating situation in Myanmar. Armed conflicts substantially intensified during the reporting period. The Mechanism reiterates its previous assessment that there is strong evidence indicating that serious international crimes are being inflicted against the people in Myanmar. With no foreseeable end to the violence, the work of the Mechanism to facilitate justice and accountability is more relevant and necessary than ever.

The Mechanism has made consistent and notable progress in fulfilling its mandate. It significantly increased the amount of first-hand testimonial evidence collected, by conducting several investigative missions to refugee camps and other locations and by carrying out screenings and in-person interviews with witnesses, survivors and defectors. The Mechanism also continued to collect additional evidence, such as photographs, videos, audio material, documents, maps, geospatial imagery, social media posts and forensic evidence. By the end of the reporting period, the Mechanism had collected millions of information items, and engaged with over 700 sources and information providers. The evidence collected will enable the Mechanism to continue building case files and analytical products to prove individual criminal responsibility for serious international crimes in Myanmar.

The Mechanism is sharing evidence it has collected and its analysis for use in ongoing judicial processes. During the reporting period, the Mechanism completed three major analytical reports to be shared with national and international courts or tribunals, focusing on the structure and reporting lines within the Myanmar military; the failure of Myanmar authorities to investigate or punish sexual and gender-based crimes; and the organized spread of hate speech content on Facebook by the Myanmar military before, during and after the 2017 “clearance operations”.

* Reissued for technical reasons on 10 August 2023.



The Mechanism made significant strides in expanding and diversifying its collaboration with civil society organizations, which make critical contributions to its work owing to their access to on-the-ground information and contacts with potential witnesses. In the second quarter of 2023, the Mechanism held its first civil society dialogue, bringing together representatives from relevant civil society organizations to deepen partnerships and strengthen processes for ongoing cooperation and information-sharing. The civil society dialogues will be a regular and important component of the Mechanism's increased engagement and collaboration with civil society organizations.

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I. Introduction

1. The present report covers the activities carried out by the Independent Investigative Mechanism for Myanmar between 1 July 2022 and 30 June 2023.
2. In its resolution 39/2 of 27 September 2018, the Human Rights Council established the Mechanism with a mandate to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals. In its resolution 73/264 of 22 December 2018, the General Assembly welcomed the establishment of the Mechanism. In its resolution 43/26 of 22 June 2020, the Council specifically called for the Mechanism to engage in close and timely cooperation on future investigations by, among others, the International Criminal Court and the International Court of Justice.
3. Four years after it became operational, the Mechanism continues to actively monitor the deteriorating situation in Myanmar and to collect, analyse and share evidence of the most serious international crimes committed in Myanmar. The military continues to carry out widespread and systematic attacks on the civilian population and the armed conflict substantially intensified during the reporting period. In this context, the Mechanism is strategically focusing its investigations on specific incidents where the impact on victims is the most severe. A major focus remains on investigating crimes against the Rohingya, especially those committed during the 2016 and 2017 “clearance operations” carried out by Myanmar security forces in Rakhine State.
4. The Mechanism operates in a challenging environment with no physical access to crime sites or witnesses inside Myanmar and has serious witness protection concerns. To compensate, the Mechanism is adopting innovations and leveraging the use of advanced technologies and modern investigative approaches to enable the collection of evidence. The Mechanism continues to reach out to authorities in Myanmar to seek their cooperation as called for by the Human Rights Council and the General Assembly, but to date, all requests for access to the territory, cooperation and information have gone unanswered.
5. During the reporting period, the Mechanism significantly increased the number of investigative missions and direct engagements with witnesses and survivors. The investigation of sexual and gender-based crimes and crimes against children remains a high priority. The Mechanism is also fully integrating the collection and analysis of open source and financial information and evidence in all of the Mechanism’s investigations. Throughout the year, the Mechanism engaged closely with a wide range of stakeholders, including witnesses, survivors, civil society organizations, Member States, United Nations entities and business entities, in order to strengthen partnerships and cooperation in support of justice and accountability for the crimes committed in Myanmar. The Mechanism is very grateful for the cooperation received from witnesses and survivor groups, which reflects the courage and dedication of the people of Myanmar to the fight against impunity.

II. Collecting, analysing and managing information and evidence

6. During the reporting period, the Mechanism collected an unprecedented and unanticipated amount of information and evidence. This has required the utilization of more complex and sophisticated processes for the collection of material, and for the preservation, analysis and management of the material collected. In accordance with the principles of impartiality and confidentiality, the Mechanism applies a multifaceted approach to evidence collection, focusing on information and evidence pertaining to priority situations and incidents, contextual and overview information relevant to Myanmar, and information pertaining to specific individuals, groups and structures suspected of perpetrating crimes. The Mechanism seeks both incriminating and exonerating information from all relevant parties regarding potential serious international crimes committed in Myanmar within its mandate.

7. Through its targeted approach to requesting and receiving information and evidence, the Mechanism has collected substantial information from a wide range of over 700 information providers and sources. These include civil society and documentation organizations, national authorities, United Nations entities, international organizations, non-governmental organizations, business entities and individual sources and witnesses. In order to collect first-hand, high-value testimony that is essential to building criminal cases, the Mechanism has significantly increased the direct collection of witness testimony from survivors, eyewitnesses and defectors, resulting in over 200 witness statements and screening notes as well as over 200 investigation notes to date. Investigative missions to different States enabled in-person interviews and the collection of other highly valuable and probative information. The Mechanism acknowledges with appreciation the support provided to its investigative activities by several relevant national authorities and other stakeholders.

8. Since it became operational, the Mechanism has made over 170 formal requests for information to a variety of entities and individuals. These requests resulted in the collection of a vast and diverse range of information and evidence pertaining to its ongoing investigations. To partially compensate for the Mechanism's inability to access the territory where crimes have been and continue to be committed, open source and financial information continues to be harvested from a diversity of sources and forms an integral part of the Mechanism's repository.

9. To date, the Mechanism has collected and processed for potential sharing over 23 million information items. These include documents, photographs, videos, audio material, geospatial imagery, forensic evidence, witness statements and social media posts and other open source materials. The majority of the collection is in the Myanmar language (Burmese), which has created a challenge given that the number of Mechanism personnel that have skills in that language is limited. Further, the collected material is in different Myanmar language scripts and file formats, which presents a challenge in making the material searchable in the Mechanism's electronically stored information management system.

10. The Mechanism is constantly working to leverage the most current information management technologies in order to ensure that the evidence it has collected is accessible and searchable and that the material is preserved in a manner that allows it to retain value for use in future legal proceedings. As the digital information landscape continues to evolve and the Mechanism's collection of digital materials grows, the Mechanism has continued to integrate new solutions to improve the intake, preservation and analysis of such material.

11. These tools are increasingly enabling the Mechanism to expand the amount of information and evidence available for sharing with relevant authorities and entities. To date, the Mechanism has prepared over 135 packages with supporting information and analysis available for sharing with relevant authorities, of which 27 packages (comprising over 5,000 information items) have already been shared with requesting authorities. The Mechanism's sharing processes have also been informed by lessons learned and best practices identified through an internal evaluation of the Mechanism's sharing activities. In line with these findings, the Mechanism has identified areas for increased efficiencies and automation in reviewing, analysing and preparing materials for sharing, updated policies and protocols related to sharing, and developed guidance for requesting authorities and entities regarding the process for submitting requests for assistance to the Mechanism.

III. Investigating and facilitating judicial proceedings for crimes against the Rohingya

12. The need to respond to atrocities committed against the Rohingya population of Myanmar was a principal factor in the decision made by the Human Rights Council to establish the Mechanism. The Mechanism has therefore prioritized the investigations and facilitation of ongoing justice proceedings for those crimes. Building on the information it has already collected, the Mechanism made important progress during the reporting period with respect to conducting an increasing number of in-person witness interviews, identifying key lines of inquiry and developing tailored analytical products that can be shared with relevant authorities in ongoing legal proceedings that concern those crimes.

13. The Mechanism has established a regular cycle of investigative missions to locations where survivors of serious international crimes in Myanmar have taken refuge. These missions involve very detailed and methodical interviews, resulting in signed witness statements of high forensic value. In previous reporting periods such missions were not yet possible because of travel restrictions related to the coronavirus disease (COVID-19) pandemic and/or the need to reach cooperation agreements with the States concerned. The Mechanism conducted dozens of investigative meetings, screenings and detailed interviews during the reporting period, particularly with members of the Rohingya community. The Mechanism has now laid the foundation for more investigative missions, having established and fine-tuned effective and efficient operational methodologies.

14. Witness security is a paramount concern that the Mechanism is integrating into all aspects of witness interview planning and operations. The psychological well-being of witnesses is also a major concern in all of the Mechanism's operations. The Mechanism has established relationships with psychologists and psychosocial experts who are available to be present for interviews when victims are asked to recall and recount their traumatic experiences.

15. The Mechanism's commitment to investigating sexual and gender-based crimes and crimes against children has been at the forefront of these investigative missions. While the Mechanism has sought to specifically identify and interview survivors of sexual and gender-based crimes, it is notable that such crimes were so pervasive in the context of the clearance operations that most witnesses interviewed to date have relevant evidence in this regard. The Mechanism has also sought to identify witnesses of sexual and gender-based crimes who have not previously been approached by other fact-finding or documentation entities and whose plight is often overlooked, including individuals with divergent gender identities and sexual orientations. In this regard, the Mechanism has commenced a dedicated line of inquiry focusing on the experiences of the hijra (transgender) Rohingya community.

16. Throughout its engagements with the Rohingya community, the Mechanism has also placed an emphasis on collecting information and documentation relevant to financial lines of inquiry, such as by examining the liability not only of direct perpetrators or commanders, but also those who may have aided and abetted the commission of crimes within the Mechanism's mandate. As part of this effort, the Mechanism is concentrating its financial investigations on issues that have had a direct impact on victim communities, such as the dispossession and appropriation of land and personal property. For the Rohingya, the dispossession of land has significance beyond a simple abrogation of property rights. The unlawful taking of their land may constitute an attack on their identity as a people descended from a lineage that is based in Myanmar. To bolster its evidence, the Mechanism is also pursuing these lines of inquiry through open source research and analysis, and the collection of information compiled by other entities. While the Mechanism has prioritized its inquiries into the 2016 and 2017 clearance operations, it has also collected evidence concerning the ethnic violence that occurred between 2012 and 2014, which led to the internal displacement of hundreds of thousands of Rohingya within Myanmar.

17. Accountability for crimes depends on proving individual criminal responsibility. The Mechanism therefore places high priority on collecting "linkage evidence" that can demonstrate the responsibility of specific individuals, particularly those at higher levels of authority bearing greater responsibility for criminal campaigns. A fruitful source for such evidence is the testimony of "insider" witnesses, such as former members of the Myanmar security forces, who have provided information concerning military operations and structures, including during the clearance operations in northern Rakhine State.

18. The Mechanism has also advanced its analysis of the evidence collected relating to crimes against the Rohingya, through the preparation of three analytical reports. The first of these reports focuses on the structure and reporting lines within the Myanmar military, including the relevant units on the ground during the 2017 clearance operations. The second report provides a compilation of evidence identified by the Mechanism that demonstrates the failure of Myanmar authorities to investigate or punish sexual and gender-based crimes committed against the Rohingya by Myanmar security forces. The third report contains the findings of a major review and analysis on the promulgation of hate speech content against the Rohingya on Facebook by segments of the Myanmar military. The report examines the

connection between particular official Myanmar military pages and accounts and other seemingly non-official pages that were primary drivers of anti-Rohingya messaging around the time of the 2017 clearance operations. The intention of the Mechanism is to share these analytical reports with prosecutorial and judicial authorities conducting investigations or proceedings related to crimes against the Rohingya in Myanmar, namely the International Criminal Court, Federal Prosecutor's Office No. 9 in Argentina, and the International Court of Justice (*The Gambia v. Myanmar*).

19. The Mechanism also continues to identify relevant information and evidence it has collected concerning crimes against the Rohingya and shares it with the three above-mentioned jurisdictions, provided it has received informed consent from the providers of the information. Those jurisdictions have different rules and procedures regarding the admissibility of evidence, the protection and privacy of witnesses, and the language of documents and evidence they can consider. They also have different focus areas regarding the targets of and the elements of the crimes and violations relating to their respective investigations and proceedings. The Mechanism intensified regular communication and dialogue with its sharing partners during the reporting period to better understand the needs of these different jurisdictions and to tailor its evidence and analytical packages accordingly.

20. Notably, the Mechanism has continued its close coordination with the Office of the Prosecutor of the International Criminal Court and has increased the volume of witness-related information, including screenings and statements, shared with that Office during the reporting period. The Mechanism has also shared a substantial volume of information with Federal Prosecutor's Office No. 9 in Argentina and has established a close dialogue with that Office, to determine how the Mechanism can best continue to identify and share information pertinent to the universal jurisdiction investigation presently under way in the country. Lastly, the Mechanism is preparing to share additional material with the parties to *The Gambia v. Myanmar* proceedings before the International Court of Justice, which is currently considering claims by the Gambia that Myanmar is in violation of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide.

21. Through the sharing of evidence and analytical material, the Mechanism hopes to contribute to the ongoing concurrent efforts to seek justice for the Rohingya, hold accountable those most responsible for the crimes committed and deter further atrocities.

IV. Investigating post-coup crimes

22. Since the military coup on 1 February 2021, there has been a dramatic increase in the number of incidents bearing the hallmarks of serious international crimes and warranting investigation by the Mechanism. Tragically, the number of such incidents has only increased during the reporting period. In accordance with the principles of impartiality and confidentiality, the Mechanism is endeavouring to collect and analyse all relevant information in relation to these incidents and potential perpetrators, while necessarily focusing its resources on the serious international crimes of the greatest gravity and on persons bearing the greatest responsibility for those crimes.

23. In its fourth annual report, the Mechanism stated that, based on the evidence it had collected as the time of reporting, there were ample indications that widespread and systematic attacks had been committed against the civilian population since February 2021, and that multiple armed conflicts were taking place on the territory of Myanmar.¹ This situation continues, and the Mechanism has collected further and credible information from numerous sources substantiating these findings.

24. The Myanmar authorities continue to disregard the Mechanism's requests for information and for access to the territory of Myanmar. The Mechanism has nevertheless been able to obtain a substantial volume of information concerning ongoing events inside Myanmar from a variety of independent sources. The Mechanism is also harvesting open source information almost contemporaneously with events as they occur. In addition, specialized and targeted data, such as geospatial and geothermal imagery, have provided

¹ A/HRC/51/4, paras. 7 and 9.

specific and objective information concerning the impact of attacks on locations, particularly evidence of the burning of villages. Digital imagery from a wide array of open and non-open sources and recorded through various means, such as by drones and personal mobile telephones, has in some cases provided direct evidence of specific crimes and the identity of perpetrators, including in relation to mass killings.

25. The Mechanism has opened investigations into events that have taken place during the reporting period according to the same prioritization criteria set out in the Mechanism's previous reports, namely: the gravity of the crimes concerned, including their scale, nature, manner of commission and impact on victims; the degree of responsibility of alleged perpetrators; the strength of the available evidence; the importance of the Mechanism's thematic priorities concerning sexual and gender-based crimes and crimes against children; and the likelihood of a court or tribunal taking jurisdiction. The Mechanism's mandate covers not only war crimes committed by the security forces, but also any such crimes as may be committed by armed groups in connection with the armed conflict. Furthermore, the Mechanism's investigations are informed by thematic and cross-cutting elements, including the investigation and analysis of organizational structures to identify those responsible for specific crimes.

26. Based on the evidence collected to date, there is strong evidence that the Myanmar military and its affiliate militias have committed three types of combat-related war crimes with increasing frequency and brazenness: (a) indiscriminate or disproportionate targeting of civilians using bombs; (b) killings of civilians or combatants detained during operations; and (c) large-scale and intentional burning of civilian dwellings and other civilian buildings.

27. The Myanmar military has attempted to justify several aerial bombardments that have led to substantial loss of civilian life, on the basis that there was a military target in the vicinity of the attack. However, the Mechanism has collected evidence indicating that the military should have known, or did know, that large numbers of civilians were present in or around alleged military targets at the time of some of those attacks. The circumstances are manifestly indicative of a pattern of indiscriminate or disproportionate attacks, which is a war crime. The Myanmar military has not announced investigations into any of these extremely grave incidents.

28. The Mechanism has also collected eyewitness accounts of mass executions of civilians or fighters hors de combat in the custody of the Myanmar military forces or their affiliates that occurred during the reporting period. These accounts are often supported by corroborating visual and documentary evidence collected by the Mechanism. The incidents have occurred in disparate locations, such as the village of Tartaing, in Sagaing Township, Sagaing Region; the village of Mon Taing Pin, in Ye-U Township, Sagaing Region; and the village of Nyaung Bin Tha, in Htantabin Township, Bago Region. The Myanmar military has not announced investigations into any of these extremely grave incidents.

29. The evidence collected by the Mechanism further indicates that the large-scale burning and destruction of civilian objects by the Myanmar military forces and their affiliates has continued during the reporting period. These events have occurred across several areas, particularly in Sagaing, Magway, Chin, Kayin and Kayah, and typically involve civilian objects such as shops, places of worship and civilian vehicles. In some cases, entire villages have been destroyed. The evidence collected indicates that the fires were deliberately set by military forces on the ground or were caused by artillery strikes. The documented cases of burning often have taken place alongside incidents of detentions and killings and have contributed to the massive displacement of persons across Myanmar. The Myanmar military has not announced investigations into any of these extremely grave incidents.

30. The Myanmar military's failure to investigate or to otherwise curtail the pattern of combat-related war crimes described above is significant. Military commanders have a duty under international law to prevent or repress war crimes committed by those under their command. The failure to do so may make them criminally responsible under the principle of command responsibility; repeatedly ignoring such crimes may indicate that the higher authorities intended the commission of these crimes.

31. Reliable evidence has been collected of the commission of other war crimes, such as rape, murder, mutilation and cruel treatment. There is also strong evidence that crimes against

humanity have been committed, including rape in detention; persecution; enforced disappearance; and imprisonment, the passing of sentences and the carrying out of executions without having upheld fundamental fair trial rights and judicial guarantees.

32. Important progress has also been made on existing investigations, in particular in relation to mass detentions and the non-observance of fundamental fair trial rights since February 2021. The Mechanism has collected more and more evidence concerning torture, sexual violence and other forms of severe mistreatment at numerous detention facilities. Some of these facilities are run by the military, others by the police or the Myanmar Prisons Department. The Mechanism has in some cases identified specific abusers or those responsible for running certain detention facilities.

33. Despite the obstacles to the investigation of such crimes arising from the non-cooperation of Myanmar, the Mechanism continues to collect substantial information relating to the commission of sexual and gender-based crimes committed against women, girls, men, boys and persons with diverse gender identities, including crimes committed by members of the security forces. The Mechanism has collected evidence of such crimes being committed with the highest levels of cruelty and harm to the victims, including rape with objects, other forms of humiliation, mutilation, gang or serial rape and sexual enslavement. The Mechanism has received no information from the Myanmar authorities indicating that any military or civilian official has been investigated, let alone prosecuted, for these crimes, which could be characterized as war crimes, crimes against humanity or both, depending on the circumstances.

34. Evidence collected by the Mechanism indicates that children continue to be victimized by the same crimes to which adults are subjected. Further, there is evidence that children below 15 years of age are being enlisted, conscripted or used to participate actively in hostilities by various armed actors. Such crimes are particularly acute when committed against children because of the disproportionate harm likely to be caused, and the advantage taken of their vulnerability in order to have them commit crimes. The Mechanism is thus particularly committed to pursuing further evidence of such crimes.

35. The Mechanism has also received credible information of civilians being summarily killed because they were suspected of being informers to, or collaborators with, the military regime. Such killings may constitute a war crime and the Mechanism is evaluating whether such incidents satisfy the chapeau elements of serious international crimes.

36. The Mechanism is also preparing evidence regarding post-coup crimes that can be shared with national, regional or international courts that may one day exercise jurisdiction over these crimes. Such evidence will be used to develop case files to establish the commission of specific crimes and to also identify individuals criminally responsible for those crimes.

V. Progress on other activities of the Mechanism

A. Cooperation with Member States and other partners

37. The Mechanism acknowledges with gratitude the support extended to the Mechanism's mandate and investigative efforts by many Member States, United Nations entities, organizations, private and public information providers and other partners. This support remains crucial for the Mechanism to effectively carry out its mandate.

38. During the reporting period, the Mechanism held several in-person high-level dialogues and consultations with Member States and other actors in Geneva, New York and numerous capitals in order to promote the mandate of the Mechanism. These engagements enabled the Mechanism to advance important cooperation arrangements to carry out evidence collection and witness interviews in the territories of Member States. To date, the Mechanism has concluded around a dozen cooperation frameworks or arrangements with national authorities, and is currently in the process of negotiating several other frameworks that will further enable and strengthen the Mechanism's investigative activities.

39. The Mechanism continued to reach out to and seek information from the Myanmar authorities, in accordance with relevant Human Rights Council and General Assembly resolutions in which the Council and the Assembly call upon Myanmar to cooperate and engage meaningfully with the Mechanism. During the reporting period, the Mechanism made an additional six requests to the Myanmar authorities to obtain access to the territory and to information in the possession of the authorities. For example, the Mechanism requested all records of criminal proceedings against the four democracy activists executed on 25 July 2022. The Mechanism has also requested information from Myanmar regarding several incidents, among them the attack on a school in Let Yet Kone, in Tabayin Township, Sagaing Region, that took place on or around 16 September 2022. The Mechanism continued to request information related to events in northern Rakhine State, including on the commencement of activities of the military court of inquiry, to obtain evidence in relation to the proceedings before the International Court of Justice. The Mechanism continued to request access to prisons, detention sites and other areas. The Myanmar authorities have not responded to these requests and none of the information requested has been received.

40. Lack of access to the territory of Myanmar highlights the importance of strong cooperation of States in the Asia-Pacific region, where much of the evidence and many of the witnesses are located. In this context, the Mechanism acknowledges with appreciation the continued strong support extended by some States in the region for the Mechanism's investigative activities. The Mechanism appreciates the complex context in which many of the States neighbouring Myanmar operate and seeks further engagements with Member States in the region to enable investigative activities in their territories. The Mechanism also seeks the cooperation of all Member States, within and outside of the Asia-Pacific region, in order to facilitate the protection and support of high-value at-risk witnesses and to prevent any reprisals for cooperation with the Mechanism.

41. The Mechanism has also focused on establishing strong arrangements with civil society organizations and other actors, which remain a critical source of information and evidence regarding serious crimes committed in Myanmar. As such organizations often have immediate access to crime scenes and survivors, they have invaluable victim/survivor perspectives. With their extensive and precise knowledge, they are well placed to deepen the Mechanism's understanding of the context in which serious crimes are being committed, the protection and security issues facing individuals or the community, and the availability of support resources. Given their proximity, knowledge and contacts, the Mechanism regularly engages with such organizations to seek information and evidence that they may have gathered or to facilitate access to witnesses who possess first-hand knowledge of the crimes under investigation. The Mechanism has actively engaged and developed both informal and formal arrangements with a large network of civil society groups, both in and outside of the Asia-Pacific region. The Mechanism expresses its profound appreciation to the many individuals and organizations who provide information and support to the Mechanism, in many cases at significant risk to their safety and security.

42. During the reporting period, the Mechanism also continued to seek the support and cooperation of United Nations entities that are in possession of information relevant to the Mechanism's mandate. The Mechanism welcomes Human Rights Council resolution 52/31, adopted in April 2023, in which the Council urged all United Nations bodies to collaborate fully with the Mechanism, where possible, and to share evidence to be used in future prosecutions. Pursuant to that resolution, and fully cognizant of the challenging operational environment that the United Nations system is currently facing in Myanmar, the Mechanism will redouble its efforts to seek additional cooperation and support from United Nations actors that have not yet executed the Mechanism's requests for assistance.

B. Enhancing dialogue with relevant stakeholders and public outreach

43. The Mechanism believes that conveying a greater understanding of its purpose and procedures among its very diverse set of stakeholders is critical to its effectiveness. The Mechanism uses numerous channels to engage with the diverse communities who have a stake in its activities to ensure they have a clear understanding of what the Mechanism can and cannot do, its working methods and the most secure and confidential ways to share

information with it. Regular outreach to victims, survivors and local or regional civil society organizations is therefore a high priority. The Mechanism uses a range of public and private channels to reach these diverse audiences, including its website and Facebook page, newsletters, events and confidential briefings.

44. The Mechanism places equal importance on listening to its stakeholders about their concerns, views and hopes about the Mechanism. In this regard, the Mechanism held its first civil society dialogue during the reporting period. The dialogues will be regularly held in-person events that will bring together different groups of representatives of civil society organizations representing diverse communities within and outside the Asia-Pacific region. The first dialogue brought together representatives from 20 civil society organizations to build stronger relationships and increase mutual trust and understanding. Civil society organizations are on the front line of efforts to gather information and evidence regarding serious international crimes committed in Myanmar. They are therefore crucial sources of information, and the Mechanism values its engagement with them.

45. Over three days of discussions, Mechanism personnel shared detailed information about the current accountability landscape, the Mechanism's mandate and methods of work, and how the information that civil society organizations share with the Mechanism is used to build case files. Civil society participants discussed the realities and challenges they faced in conducting their work, and how that affected their engagement with the Mechanism. Participants conveyed their concerns regarding security, psychosocial support and other challenges, which will help inform the Mechanism's working methods and support improved collaboration. Following the event, the participants expressed a strong willingness to cooperate with the Mechanism and a far deeper understanding of the Mechanism's mandate and its limitations. The participants also indicated an increased understanding of international justice and accountability processes. Going forward, the dialogues will be a regular component of the Mechanism's outreach work with various relevant organizations. The Mechanism acknowledges with strong appreciation the strong support of certain Member States in hosting, financing and facilitating the dialogue.

46. In addition to direct engagement with various stakeholders, the Mechanism's website and Facebook page continue to serve as the primary platforms for disseminating information and public outreach. Both are available in English and the Myanmar language (Burmese), with information in audio form in the Rohingya language. The website has been effective for disseminating timely statements and media releases, sharing information on how to contact the Mechanism securely and confidentially, and providing answers to frequently asked questions about the Mechanism's mandate and activities. With more than 75,000 followers, the Mechanism's Facebook page is also vital for engaging regularly with a predominantly Myanmar audience, providing an opportunity to share informal updates and information on the complexities of the Mechanism's legal work and explaining aspects of the Mechanism's mandate and working methods.

47. The Mechanism recognizes the complexity of its mandate and the need to simplify its messaging so that it is more accessible and memorable for a range of audiences who speak different languages and have varied literacy levels. Therefore, in the upcoming reporting period the Mechanism will focus on simplifying the language and messaging on its website and on producing visual outreach products to ensure that information about the Mechanism is easily understood by diverse audiences and shareable across numerous communication channels.

48. There has been continued media and public interest in the Mechanism. Press releases, statements, media briefings and interviews have resulted in regular coverage in influential global and regional media outlets, including in the languages used in Myanmar. The Mechanism has also participated in numerous public events organized by Member States and civil society groups on topics related to its mandate. The Mechanism's biannual newsletter, *Bulletin*, highlights institutional updates and key activities, and is broadly distributed to Member States and other key stakeholders.

49. In accordance with its commitment in the 2022 budget submission to the General Assembly,² the Mechanism completed a self-evaluation of its public outreach and communications strategy, analysing the effectiveness of its outreach and communication work over the 2021–2022 period. Based on a series of internal and external consultations, the resulting analysis and recommendations will inform the Mechanism’s updated strategy on communications and outreach, to be completed in the next reporting period.

C. Witness protection and support

50. The Mechanism is keenly aware of the psychological trauma suffered by victims and survivors of atrocities and the potential for retraumatization when victims/survivors are asked to recall and recount such events. Accordingly, and consistent with its terms of reference, the Mechanism is building partnerships with professionals and organizations that can offer assistance to those survivors engaging with the Mechanism. Similarly, repeatedly listening to survivors of atrocities recount the events that led to their trauma and reviewing voluminous documents, imagery and videos depicting gruesome crime scenes can potentially have a serious impact on staff well-being. Within the framework of the Mechanism’s plan on staff well-being, the Mechanism launched a secondary-trauma programme in 2023 to address the risks associated with Mechanism personnel’s exposure to traumatic material. The programme is aimed at increasing awareness about secondary trauma through briefings with managers, first reporting officers and workshops with personnel.

51. Building on lessons learned since the previous annual report and best practices from other international criminal accountability mechanisms, the Mechanism continues to further enhance its witness support and protection capabilities. The Mechanism developed bespoke witness support and protection structures during recent investigative missions, ensuring that high-risk and vulnerable witnesses receive protection and psychosocial services in a manner consistent with the Mechanism’s mandate and a victim/survivor-centred approach. In response to the Mechanism’s increased engagement with a high number of witnesses, including many in volatile locations, the Mechanism’s witness protection needs have increased significantly. To date, the Mechanism has conducted over 350 contact threat assessments to identify potential security risks to witnesses before initiating contact. Importantly, the Mechanism continues to work with various partners on the ground to identify and develop referral pathways to ensure safe interventions and ongoing support to the witnesses with whom it interacts. The Mechanism has also enhanced its policies and procedures related to witness protection and support services tailored to the specific context of its activities.

52. Member States remain invaluable partners for the Mechanism, particularly in respect to providing access to important witness protection measures and support-related services. Extrabudgetary resources from Member States have also allowed the Mechanism to strengthen its witness protection and support capabilities, particularly for high-value witnesses in serious danger as a result of their cooperation with the Mechanism and for witnesses who require medical support and/or psychosocial assistance.

D. Security of personnel, assets and information technology

53. The Mechanism is undertaking more investigative missions and interviewing more witnesses amid a worsening security situation where many of its witnesses are located. The Mechanism is also engaging with a growing number of at-risk and vulnerable witnesses in Myanmar and other locations. In this context, the Mechanism’s activities have become more operationally complex and have resulted in an increase in the Mechanism’s activities and assessments related to the safety and security of personnel and assets as well as information and communications technology. Security assessments and measures in all three areas continue to be an integral part in the Mechanism’s daily work.

² See [A/76/6](#) (Sect. 8), para. 8.215.

54. The Mechanism works to ensure that required safety and security arrangements, based on the Mechanism's specific security risk assessment, are integrated into all aspects of its operations, both in Geneva and during missions. Those responsibilities include monitoring and analysing an increasing number of threat actors and their activities and producing comprehensive and regularly updated country or area-specific situation threat and risk assessments. Utilizing its well-established communications channels, the Mechanism maintained close coordination and advance planning with United Nations system entities and security interlocutors in various locations. This contributed to the safety and security of several investigative missions and other activities during the reporting period.

55. The Mechanism remains keenly aware of cybersecurity challenges, both in terms of digital surveillance and potential risks to its own information and communication systems. The Mechanism maintains a high level of vigilance about the security of its information and communications technology, requiring ongoing training and initiatives to ensure that both its information management system and personnel are capable of preventing and responding to cyberattacks. The Mechanism rolled out software to strengthen its capabilities to monitor and protect its systems from attack and intrusion, and also continues to devise and implement cybersecurity measures for all new information and technology systems before they become operational.

56. With the increase of investigative activities and a deteriorating security situation, information and communications technology security is essential for investigative teams to communicate and access the Mechanism's information systems in line with confidentiality and security requirements. In this regard, the Mechanism procured mission kits and communication devices to better accommodate the needs of investigative teams while on mission in challenging operational environments.

E. Technology and infrastructure

57. During the reporting period, the Mechanism continued to refine its core and specialized technology and infrastructure to collect and preserve information and evidence in its electronic information management system in an accessible, searchable and secure manner. The Mechanism conferred with other United Nations entities facing similar challenges and actively sought out the technologies that best fit the Mechanism's evolving needs. The Mechanism's open source and financial investigators and analysts have been equipped with the latest industry-leading technology available to facilitate their collection and analysis of large amounts of information. The Mechanism, through its partnerships with United Nations computing and data centres, is also expanding its computing capabilities to support newly identified needs for virtual and specialist computing.

58. The Mechanism continued to enhance its electronically stored information management system through increased automation to enable more efficient internal workflow processes for the secure intake, management and review of the information it collects. The system provides an end-to-end, fully integrated process for evidence intake, processing and review; management of all information providers and witnesses; case management planning; and tracking of all information shared by the Mechanism with third parties. Some processes that previously required more than a week to complete can now be completed in a few days, due to efficiencies resulting from increased automation.

59. During the reporting period, the Mechanism also made progress in further developing several critical solutions in response to its analytical needs. The Mechanism completed the installation of a data analytics platform required for performing contextual analysis of the Mechanism's textual materials. This will allow investigative teams to utilize the text-rich data collected to date to prepare more tailored and comprehensive analytical products. The Mechanism also completed the installation of a media analysis platform that will allow the extraction of patterns and connections in large amounts of data and facilitate the analysis, categorization and management of digital media files and geospatial imagery. Simultaneously, the Mechanism has continued to develop a computer vision software capable of enhancing human analysis by deriving meaningful information from a vast pool of

evidence, particularly in relation to the categorization of, and automatic detection in, photographs and videos.

60. The Mechanism also continued work towards the development of a machine translation capability from the Myanmar language (Burmese) into English. Existing off-the-shelf solutions are insufficient for the Mechanism's needs and significant work is required to refine the accuracy of those tools. Once developed, such a tool would enable the Mechanism to obtain at least a rough translation of millions of information items collected in the Myanmar language (Burmese) for both internal analysis and external sharing. It is also anticipated that machine translations could be utilized to provide material to sharing partners that meets the language requirements of their jurisdictions, subject to the available resources and capacities of the Mechanism.

61. Finally, the Mechanism continued to evolve the previously developed custom solution to extract and preserve data from a variety of social media, communication and messaging applications as the complexity of the data being collected and preserved evolves with the technologies that support them. These solutions and platforms have enabled the Mechanism to collect and analyse additional data that previously were not accessible to it.

VI. Challenges and areas for additional support

62. As described above, the Mechanism increasingly operates in a challenging environment involving different layers of complexity. Such challenges include the lack of access to the locations of the crimes and to witnesses, and security and safety concerns for the individuals who provide information to the Mechanism. In the upcoming reporting period, the Mechanism will continue to closely monitor developments in the country and to reach out to the current authorities in Myanmar with requests for information, assistance and access to the country.

63. The lack of access to Myanmar intensifies the Mechanism's need for cooperation from Member States in the Asia-Pacific region. People leaving Myanmar due to the intensified violence will often go to or through neighbouring countries; they potentially have very valuable and timely information that would add value to the Mechanism's investigations. The Mechanism welcomes support from all Member States in the Asia-Pacific region to allow the Mechanism to conduct investigative activities on their territory, in accordance with, *inter alia*, General Assembly resolution 76/180 and Council resolutions 49/23, 50/3 and 52/31. The Mechanism operates in a highly discreet and confidential manner as agreed upon with Member States. The Mechanism would welcome further engagements with representatives of Member States in Geneva, in New York and in the respective countries.

64. The Mechanism also relies on the support of Member States for critical assistance in witness protection and support. The Mechanism is in contact with many defectors from the security services, some of whom appear to have valuable "insider" evidence that could advance investigations of crimes within the Mechanism's mandate. Many have been forced to flee Myanmar, and have crossed into neighbouring countries without any legalized immigration status. These at-risk potential witnesses are vulnerable to arrest and deportation to Myanmar, where they are likely to face persecution and detention. The Myanmar military has demonstrated its readiness to remove potential threats to the regime through imprisonment and in some cases executions. Access to witness protection and support-related services requires the vital support of the neighbouring countries and other Member States.

65. Ensuring language translation and interpretation capabilities for Myanmar languages is a critical challenge to the Mechanism's collection and analytical functions. To adequately review and analyse collected material, especially considering the volume of such material in the Myanmar languages, the Mechanism will need to increase its language capacity in the upcoming reporting period. This can partly be done through additional resources, and partly through the continuing development of machine translation technology. The translation of digital Burmese text into English using artificial intelligence technology is a challenge, as such technology is not available for Myanmar languages, or is not as developed as it is for other languages.

66. Finally, to carry out the complex work of the Mechanism, the Mechanism will continue to require personnel with specialized expertise in areas such as information technology, open source research and analysis, and financial investigations. Sustained voluntary contributions for these activities, which are integral to the Mechanism's investigative strategy, will be essential. The Mechanism will continue to mobilize extrabudgetary funding to be able to sustain these activities in the future and welcomes the support of diverse Member States and partners.

VII. Conclusion

67. During the reporting cycle, the Mechanism continued to make important progress towards its objective of ensuring the accountability of perpetrators and justice for victims of the most serious international crimes and violations of international law committed in Myanmar since 2011. The Mechanism is now supporting three jurisdictions pursuing investigations or proceedings related to crimes committed against the Rohingya population. Despite significant cooperation and operational challenges, and the dramatic increase in serious international crimes committed in Myanmar since the military takeover in 2021, the Mechanism's collection efforts have kept pace as it strives to collect and analyse all relevant information in relation to serious international crimes of the greatest gravity and persons bearing the greatest responsibility for those crimes.

68. With the cooperation and support of a diverse number of partners and stakeholders, including witnesses, victims, survivors, civil society organizations, Member States, United Nations entities and private entities, the Mechanism has made every effort to strategically utilize its limited resources effectively and efficiently. Looking ahead, the Mechanism plans to accelerate its collection of evidence of the most serious international crimes committed in Myanmar and intensify its preparation of analytical products to be shared with investigative, prosecutorial and judicial authorities willing and able to pursue accountability for such crimes. The Mechanism will continue to explore innovative technologies that will enable the analysis of information and evidence more efficiently and effectively to support national, regional and international judicial authorities. The Mechanism will also continue to strengthen its capacities to work in the various Myanmar languages in order to review and analyse the materials collected; ensure the safety and well-being of witnesses; analyse social media and other open source and financial information; investigate sexual and gender-based crimes and crimes against children; and engage more systematically with survivor and victims' groups and local civil society organizations.

69. In order to achieve these goals, and in line with the resolutions of the Human Rights Council and General Assembly, the Mechanism will continue to pursue all available opportunities to strengthen cooperation with Member States, United Nations entities and other stakeholders. The full and meaningful cooperation of Member States, especially those in the Asia-Pacific region, will remain essential to pursuing justice for the people of Myanmar and the stated goals of these States regarding the achievement of sustainable solutions to the escalating violence and conflict in Myanmar.