

Burmese Soldiers Confess to Slaughtering Rohingya Civilians

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[Two former Burmese soldiers have confessed](#) on video to indiscriminately killing Rohingya civilians in 2017 under the direct orders of their commanding officers. The soldiers' accounts are consistent with descriptions provided by Rohingya refugees in Bangladesh.

The confessions emerge at a time of growing pressure on the United States and other governments to state officially that the Burmese military's assault on Rohingya villages in Burma's Rakhine State in August 2017 constitutes an act of genocide, crimes against humanity, or war crimes under international law. In November 2017, then-Secretary of State Rex Tillerson referred to the attacks as "[ethnic cleansing](#)," a concept that is [not recognized as a crime under international law](#). Since then, the Trump Administration has not changed that characterization despite some congressional pressure for a determination on the issue of genocide.

The Soldiers' Confessions

The two former privates say they were ordered to kill everyone in the Rohingya villages they encountered. They estimate that their units killed at least 150 people and destroyed several villages. The [soldiers reportedly identified 17 other soldiers](#), including 6 senior commanders, who allegedly committed atrocities. The two soldiers fled Burma in August and are [reportedly under the "care" of the Dutch government](#).

Other Evidence of Possible Atrocities

Other investigations have uncovered evidence that suggests Burma's military committed acts that could be considered genocide, crimes against humanity, or war crimes specifically during its 2017 "clearance operations" in Rakhine State and elsewhere in Burma at various times during the nation's 70-year-old civil war. [The U.N. Human Rights Council's Independent International Fact-Finding Mission on Myanmar](#) has determined that "there is a serious risk that genocidal actions may occur or recur and that Myanmar is failing in its obligation to prevent genocide, to investigate genocide, and to enact effective

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legislation criminalizing and punishing genocide.” In September 2018, the State Department released [a report on alleged atrocities in northern Rakhine State](#), based on interviews with over 1,000 Rohingya refugees in Bangladesh. CRS Report R45388, *Burmese Security Forces and Personnel Implicated in Serious Human Rights Abuses and Accountability Options*, summarizes 17 different reports by U.N. entities and independent human rights organizations containing allegations that nearly 40 Burmese security force officers and more than 100 units committed serious human rights violations dating back to 2011.

International Court of Justice Case

In November 2019, the [Gambia submitted charges](#) in the International Court of Justice (ICJ), claiming that Burma had violated the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the Geneva Convention). In December 2019, during the ICJ’s oral proceedings, [Burma’s State Counsellor Aung San Suu Kyi stated](#), “it cannot be ruled out that disproportionate force was used by members of the [Burma’s] Defence Services in some cases in disregard of international humanitarian law.” She asked the ICJ grant her government and its military more time to investigate allegations of misconduct. On January 23, 2020, the ICJ ordered the Burmese government to take [provisional measures](#) to prevent genocidal acts and to “take effective measures to prevent the destruction and ensure the preservation of any evidence related to allegations” of genocidal acts, and periodically report on such measures to the ICJ. On May 26, 2020, the Burmese government submitted its [first report to the ICJ](#); the ICJ is keeping the contents of the report confidential.

International Criminal Court Investigation

In November 2019, the [International Criminal Court \(ICC\) authorized](#) its Prosecutor to investigate the alleged forcible displacement of the Rohingya from Burma into Bangladesh, and any crime “sufficiently linked” to the alleged forcible displacement. Bangladesh, which is a party to the Rome Statute establishing the ICC, has cooperated with the Prosecutor’s investigation; Burma, which is not a party to the Rome Statute, has refused to allow ICC officials to enter Burma. On June 11, 2020, President Trump issued [Executive Order 13928](#), imposing sanctions on ICC officials involved in the [ICC’s investigation of alleged war crimes committed by U.S. soldiers and Central Intelligence Agency personnel](#) in Afghanistan (see CRS Insight IN11428, *International Criminal Court: U.S. Sanctions in Response to Investigation of War Crimes in Afghanistan*), which many believe makes it unlikely that the Trump Administration will support the ICC investigation of Burma.

U.S. Stance on Genocide in Burma

On December 13, 2018, the House of Representatives passed H.Res. 1091 (115th Congress), to express the sense of the House that “the atrocities committed against the Rohingya by the Burmese military and security forces since August 2017 constitute crimes against humanity and genocide” and called on the Secretary of State to review the available evidence and make a similar determination. On September 24, 2019, the House of Representatives passed the Burma Unified through Rigorous Military Accountability Act of 2019 (BURMA Act; H.R. 3190, 116th Congress) that would, among other things, require the Secretary of State to make an official determination whether “the events that took place in the state of Rakhine in Burma, starting on August 25, 2017, constitute war crimes, crimes against humanity, or genocide.”

Trump Administration officials have generally characterized the events of 2017 in Rakhine State as “ethnic cleansing.” In remarks to the U.N. Security Council in August 2018, then-

Ambassador Nikki Haley referred to the events of August 2017 as “ethnic cleansing.” In imposing sanctions on several senior Burmese security officers in August 2018, the Department of the Treasury cited “their involvement in ethnic cleansing in Burma’s Rakhine State and other widespread human rights abuses in Burma’s Kachin and Shan States.” In July 2019, Secretary of State Michael Pompeo announced sanctions on Commander-in-Chief Min Aung Hlaing and three other senior Burmese officers for their “responsibility for gross human rights violations, including in extrajudicial killings in northern Rakhine State, Burma, during the ethnic cleansing of Rohingya.”

An official determination of genocide, crimes against humanity, or war crimes would not trigger any specific obligation for the U.S. government under the Geneva Convention or U.S. law. Under 18 U.S.C. 1091, the U.S. government could prosecute any Burmese official who allegedly committed genocide if that person were “present in the United States.”

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