

## **The International Investigative Mechanism for Myanmar**

### **What is the International Investigative Mechanism for Myanmar?**

The International Investigative Mechanism for Myanmar (IIMM) was established by the UN Human Rights Council on 25 September 2018. The IIMM started its work in August 2019.

Its role is 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 that have or may in the future have jurisdiction over these crimes, in accordance with international law.”

### **Why was the IIMM created?**

Many international experts, including the UN Independent International Fact-Finding Mission on Myanmar (IFFM), studied Myanmar and concluded that serious human rights violations which may amount to crimes under international law are likely to have been committed in Myanmar, including in Kachin, Rakhine and Shan states.

Because Myanmar has not investigated these violations to the required standard there was widespread concern that important evidence may disappear over time, be lost or destroyed.

Therefore, it was considered necessary to create the IIMM to help collect and preserve evidence as quickly as possible for use in the future.

### **Where is the IIMM based?**

The IIMM has its headquarters in Geneva, Switzerland. However, it plans to travel to the Asia region, including Bangladesh - and other parts of the world - in order to do its work.

So far, Myanmar has refused to cooperate with the IIMM, which means it has been unable to enter the country.

### **What does the IIMM do?**

The IIMM will collect and preserve evidence of serious human rights violations and crimes under international law committed in Myanmar since 2011. Its work is not limited to one particular country or a specific group of victims. It will look at past violations going back to 2011, current violations and future violations.

It focusses on individual responsibility. This means it will first look at whether any serious human rights violations and crimes under international law have been committed since 2011.

It will then look for any evidence linking individuals to those crimes. This includes the person who committed the crime but also any other individual who ordered the crime to be committed or contributed in some other way.

### **How does the IIMM do its work?**

The IIMM employs a large range of experts including international criminal lawyers, investigators, analysts and translators. Together, they gather and analyze evidence, and then preserve it for future use in legal proceedings. When fully staffed, the IIMM will have approximately 60 personnel.

To obtain evidence, the IIMM relies heavily on the assistance of countries, civil society, victim groups and others to access information and witnesses.

### **How can people including victims contact the IIMM?**

The IIMM's webpage contains contact information:

<https://iimm.un.org/contact-us/>

For any general enquires, the Mechanism can be contacted via email at [iimm@un.org](mailto:iimm@un.org)

For any confidential or sensitive communications, enquiries or information, the Mechanism can be contacted via Signal at +41 (0)76 691 12 08.

The Mechanism also has a number of other encrypted means of communication or receiving information, which can be provided as needed.

Before sharing confidential information or materials, please make prior contact with the Mechanism through the above means.

The Mechanism is available to discuss any concerns including confidentiality concerns, as well as how the information provided may be shared with third parties.

#### **Address**

Independent Investigative Mechanism for Myanmar  
Palais des Nations  
8-14, Avenue de la Paix  
CH – 1211 Geneva 10  
Switzerland

### **Once the IIMM has gathered and preserved evidence, what happens next?**

The IIMM is not a Court so it is not able to use the evidence to prosecute people itself. Rather, the IIMM shares the evidence it has preserved with national, regional or international courts or tribunals to facilitate criminal proceedings. This might be with the International Criminal Court (ICC) or

a country that has the power to investigate and prosecute crimes related to Myanmar. It will also consider sharing evidence for purposes other than criminal proceedings.

There are some conditions that have to be met before the IIMM will share its evidence, including that the court or tribunal must ensure that the information will be used in accordance with the right to fair trial before a tribunal with the capacity to ensure appropriate victim and witness protection. Another is that the death penalty will not be imposed following the end of any trial.

### **How is the IIMM different to the International Criminal Court?**

The IIMM and the Prosecutor of the ICC are both investigating crimes committed against the Rohingya. However, there are some differences between their work, including:

1. The Prosecutor of the ICC will only investigate crimes committed in whole or in part in Bangladesh. This significantly limits the number of crimes it can look at, including the crime of deportation as a crime against humanity. On the other hand, the IIMM can investigate all serious human rights violations and crimes under international law committed anywhere in Myanmar since 2011. Where their mandates overlap, they will seek to cooperate with each other. The IIMM has said its first focus will be on crimes committed against the Rohingya.
2. The ICC has its own Court, which can issue arrest warrants and conduct prosecutions of suspects when the evidence is sufficient. On the other hand, the IIMM does not have its own Court.

### **How is the IIMM different from the International Court of Justice?**

As mentioned above, the IIMM is focused on building a case against individuals who may be linked to violations or crimes under international law. On the other hand, the International Court of Justice (ICJ) settles disputes between countries. In *The Gambia v Myanmar* case, it is deciding whether Myanmar has violated its obligations under the Genocide Convention. The IIMM has announced that it will cooperate with the ICJ.

### **How does the IIMM help the Rohingya?**

The IIMM will gather evidence of serious human rights violations and crimes since 2011 and on an ongoing basis into the future. This evidence may then be used in criminal proceedings against people who have committed crimes against the Rohingya and other victims. This should help deter potential perpetrators from committing crimes and make Myanmar a safer place to live.

### **More information**

More information can be found on the IIMM's website:

<https://iimm.un.org>