

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Myanmar: Investigate alleged rape and killing of two Kachin women**

The Myanmar authorities must ensure that a prompt, independent, impartial and effective investigation into the killing and alleged rape of two young Kachin women is carried out. Failure to investigate these allegations and hold those responsible to account would deny the victims and their families justice and contribute to an ongoing climate of impunity for rape and other crimes of sexual violence, in particular in conflict-affected and ethnic minority areas.

On the morning of 20 January 2015, a local Baptist church leader of Kaunghka village, Mungbaw Sub-township, Northern Shan State found the bodies of two ethnic Kachin women, aged 19 and 20 years, in their room located in the church compound. Villagers who saw the women's bodies reported that both women had been partially stripped of their clothes and had been badly beaten. Their room showed signs of a struggle and they appeared to have been raped. According to information obtained by Amnesty International, villagers heard screaming at around 9pm the night before, on 19 January. A credible source interviewed by Amnesty International explained that the village is in a so-called "black area" where the Myanmar Army operates a "shoot on site" policy. As such, villagers did not go out during the night, despite hearing screams. However, villagers strongly suspect that the two young women were raped and killed by Myanmar Army soldiers as soldiers from Battalion 88, Infantry 503 were staying in the village that same night.

Amnesty International calls on the Myanmar authorities to ensure that the investigation is initiated immediately and that it is independent, impartial and effective. The two women's families should be kept informed of the status of the investigation, and the results should be made public. All those suspected of being responsible, including any persons with command responsibility, must be brought to justice before an independent, civilian court, in proceedings which meet international standards of fairness and which do not impose the death penalty. In the meantime, anyone suspected of such crime should be immediately suspended from frontline duties. The authorities must secure the crime scene and ensure the safety of witnesses. The women's families should receive effective remedies, including adequate reparations.

Amnesty International has also received credible reports that on the same day – 20 January – at around 12pm, a soldier from Myanmar Army Battalion 77 attempted to rape a 30 year old woman in Hku Maw village, Namtu Township in Northern Shan State. The woman was saved as villagers came to her rescue after hearing her scream. Villagers found her unconscious and took her to the hospital.

These cases take place in a wider context of allegations of human rights violations – including rape and other crimes of sexual violence – by members of the Myanmar Army, in particular in Kachin and Northern Shan States, where the Myanmar armed forces resumed offensive military operations in June 2011. Independent and impartial investigations into such allegations are rare and suspected perpetrators are seldom held to account, contributing to a culture of impunity in the country.

Violence, including sexual violence and killing, of civilians under the control of the army during an armed conflict, such as the one taking place in Kachin and Northern Shan States violates Myanmar's obligations as High Contracting Party to the 4<sup>th</sup> Geneva Convention. Should the responsibility of the Myanmar Army for the rape and killing of the two women be established, the acts would constitute war crimes. In addition, rape by officials constitutes torture which Myanmar is obliged, under customary international law, to prohibit, investigate and punish.

On 5 June 2014 Myanmar became the 150<sup>th</sup> state to sign the Declaration of Commitment to End Sexual Violence in Conflict. The Declaration includes a range of actions to be taken by states to "raise awareness of [sexual violence], to challenge the impunity that exists and to hold perpetrators to account, to provide better support to victims, and to support both national and international efforts to build the capacity to prevent and respond to sexual violence in conflict". The Myanmar authorities are not known to have taken any concrete action to give effect to the commitments outlined in the Declaration.

Amnesty International reiterates calls on the Myanmar authorities to ensure that the Myanmar armed forces adhere to the rules of international humanitarian law and international human rights law.