

The Independent Investigative Mechanism for Myanmar (IIMM)

Creation

The IIMM was created on 25 September 2018 and started its work in August 2019. It is based in Geneva.

Composition

- Nicholas Koumjian, an international prosecutor from the United States, is the Head of the IIMM.
- The IIMM's team will include investigators, analysts, translators and lawyers.

Mandate

The IIMM is mandated to:

- Gather evidence: “Collect, consolidate, preserve and analyze evidence of the most serious crimes and violations of international law committed in Myanmar since 2011.”
- Prepare the prosecution of perpetrators: “Prepare files to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards.”
- Prepare the work of national, regional or international courts or tribunals that have or, in the future, may have jurisdiction over these crimes.

Information to be prepared in the IIMM's files

- Focus on the individuals most responsible for the crimes
- The specific crimes committed by these persons
- The types of criminal responsibility (e.g. command or superior responsibility)
- Linkage Evidence: The connections between the crimes and the persons responsible

Advantages

- The IIMM will make it easier to prosecute perpetrators in the future, as it will prepare files with evidence for others to use.
- The IIMM's mandate is ongoing and not limited to the past. It will be closely monitoring events in Myanmar and can gather evidence of new crimes. In this sense, the IIMM can help work as a deterrent for future crimes.
- The IIMM will build on the work of the Fact-Finding Mission (FFM). The FFM handed over the information it collected to the IIMM.
- The information collected by the IIMM can be used at the International Criminal Court (ICC) and other courts, including under the principle of universal jurisdiction (like in Argentina). It might also be used at the International Court of Justice (ICJ).
- Civil society organizations can cooperate with the IIMM and provide information and documentation to it.

Limitations

- The IIMM cannot prosecute or punish any perpetrators. It can only gather evidence and prepare files.
- The IIMM is not a court or a tribunal. It cannot hold a trial. It will hand over its evidence to tribunals that will prosecute perpetrators in the future.
- The IIMM is presently being denied access to Myanmar by the government of Myanmar.

- The IIMM's work might not be entirely known to the public. The IIMM must report on its activities each year to the Human Rights Council and the General Assembly, but it probably will not make detailed reports about human rights violations. (Its work is different from the FFM in this way.)
- The IIMM is unlikely to advocate for legal or policy reforms in Myanmar.
- The IIMM's capacity to do outreach and inform the general public about its work might be limited.

Possible engagement by civil society

Civil society can:

- Provide information and documentation to the IIMM.
- Help victims and witnesses give evidence to the IIMM.
- Help explain the work of the IIMM to the general public and manage victims' expectations.
- Lobby the UN and the Head of the IIMM to ensure that the IIMM includes staff with expertise in local ethnic contexts, cultures, and languages, as well as experience in local efforts in human rights documentation. Also lobby them to ensure representation of local ethnic groups in the IIMM.
- Lobby the IIMM to ensure that vulnerable victims and witnesses who collaborate with the IIMM receive appropriate medical and psychosocial support.

More information is available at: <https://www.ohchr.org/EN/HRBodies/HRC/IIMM/Pages/Index.aspx>
