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# Multi-Layered Civil Society Documentation of Human Rights Violations in Myanmar: The Potential for Accountability and Truth-Telling

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## Abstract

Serious human rights violations, particularly against ethnic minorities, have been a stark reality in Myanmar for many decades. The Rohingya crisis that deteriorated in 2017 and the ongoing abuses in areas of armed conflict such as Kachin, Rakhine, and Shan States, and more recently in response to anti-coup protests, demonstrate the recurrence of violence and trauma. During these decades of violence and ongoing violations, civil society initiatives inside and outside the country have attempted to monitor and document human rights abuses in order to contribute towards accountability and truth-telling. Despite the vast array of civil society documentation efforts, this work has sparked limited scholarly debate, especially concerning the complexities of existing multi-layered systems of documentation. This article analyses the current scope of documentation work related to serious human rights violations in Myanmar and the methods, standards, and audiences of various initiatives. We distinguish three layers of civil society documentation: (i) initiatives carried out on the local level in Myanmar and the various border areas; (ii) initiatives carried out by the refugee and diaspora communities; and (iii) third-party initiatives. We then analyse two elements that complicate documentation efforts, namely the risk of ‘over-documentation’, and issues of hierarchy and contestation. These challenges make clear the value of strengthening partnerships and cooperation for all groups involved in documentation work that aims to promote and protect human rights. We end by cautiously considering the potential impact, value, and limitations of Myanmar’s multi-layered

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documentation efforts for accountability and truth-telling in the aftermath of the 2021 military coup.

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## 1. Introduction

In a location tucked away in one of Bangladesh's many refugee camps located near Cox's Bazar, a small group of Rohingya refugees regularly gathers to practice some of the interview techniques they just learned via a video link sent to them by international partners. These techniques, including best practices in ethical interviewing, assist them in collecting the stories of their family, friends, and acquaintances. Later, these stories will be uploaded to a safe environment to preserve the information gathered. Combined, these stories contribute to a larger group narrative about their survival fleeing Myanmar and the violence perpetrated against them. Theirs is just one of many types of documentation initiatives carried out by civil society actors both in and outside of Myanmar.

Myanmar (formerly Burma) has experienced one of the longest military dictatorships in the world, and also hosts one of the longest ongoing internal conflicts.<sup>1</sup> Since its independence from British rule in 1948, the country's military forces (the *Tatmadaw*) have been in conflict with various non-state armed groups, which has resulted in grave human rights violations affecting civilians (Smith 1999). These conflicts were far from resolved when the country transitioned to semi-democratic rule after the 2010 elections. Military violence increased under the post-2015 National League for Democracy (NLD) government, particularly against the Rohingya (Stavrou 2021). The Rohingya are a Muslim minority group in Myanmar whose ethnicity is not officially recognized by the state.<sup>2</sup> With the 1982 Citizenship Act, they were formally denied status as citizens of Myanmar, which has contributed to their marginalized position, and has landed them 'at the bottom of Myanmar's hierarchy of ethnic privilege' (Simpson and Farrelly 2020: 487). While they have long faced severe discrimination and violence, the most serious violent attacks (including crimes against humanity and possibly genocide) were inflicted by the Myanmar military between 2012 and 2017, resulting in an exodus to Bangladesh and other neighbouring countries. Together with other (larger) ethnic groups such as the Karen and the Shan, the Rohingya have been targeted by the military for many decades.

1 The first two military governments ruled for a consecutive period of nearly 50 years, from 1962 until 2011 (a military 'caretaker government' led by General Ne Win also ruled from 1958–60). Up to 2010 only one multi-party election was held, in 1990, but the results were never honoured by the military. In line with formal naming of the country, we use Myanmar to speak about the current situation, Burma to speak about the pre-1989 era, Burmese to refer to the general population and Burman (also known as Bamar) to refer to the dominant ethnic group, while acknowledging that all of these terms are contested.

2 Since 1982, the state officially recognizes 135 ethnic groups and 8 'national races' (Bamar, Chin, Kachin, Kayah, Kayin, Mon, Rakhine, and Shan), with the Bamar majority comprising about 60–70 per cent of the population. These categories were also used in the contentious 2014 national census, where people were prohibited from self-identifying as Rohingya (Ferguson 2015).

During ongoing violence and in its aftermath, victims<sup>3</sup> of serious human rights violations often demand to know the truth about what happened, and call for some sort of accountability for the perpetrators (McGonigle Leyh 2016). Although victims in and from Myanmar also express such needs, so far no government in Myanmar has been able or willing to acknowledge the truth about past violations, or to provide any form of accountability for those responsible.<sup>4</sup> Studies show that Myanmar's population significantly distrusts the domestic justice system, which does not function independently from the government, and has no jurisdiction over the military (Justice Base 2017). Although a National Human Rights Commission was established in 2011, it does not function independently either, and has failed to adequately address violations, especially those committed in areas of armed conflict (Liljeblad 2017). The military coup of February 2021 and the renewed victimization of large sections of the population have further diminished the prospect of effective domestic justice or truth-telling.

The recurrent failure of the Myanmar government to take meaningful action has led to a robust civil society focus on human rights monitoring and documentation both within and outside of Myanmar—like the one taking place in refugee camps in Bangladesh. Although definitions vary, civil society actors have been defined in the context of the UN system as 'individuals and groups who voluntarily engage in forms of public participation and action around shared interests, purposes or values that are compatible with the goals of the UN: the maintenance of peace and security, the realisation of development, and the promotion and respect of human rights' (UN 2014).<sup>5</sup> Despite the vast array of civil society documentation efforts, there is limited scholarship looking at these developments and the complexities of existing multi-layered systems of documentation (Haar et al. 2019; MacLean 2022; Stavrou 2021; Van Schaack 2019).

This article seeks to add to this growing scholarship by analysing the current scope of documentation work related to serious human rights violations in Myanmar and how it might contribute to truth-telling in Myanmar, and to international criminal accountability in the absence of effective domestic justice responses. We focus on violations that, depending on the scale and scope, may constitute crimes against humanity, war crimes, or genocide, and that have been committed by the Myanmar military, primarily against ethnic minority groups. To do so, we first distinguish three layers of civil society documentation: (i) initiatives carried out on the local level in Myanmar and the various border areas; (ii) initiatives carried out by the refugee and diaspora communities; and (iii) third-party

3 We are aware of the (negative) framing or stereotyping that can be attached to the term 'victim' or 'survivor', especially with regards to sexual abuse. See, for example, Dunn 2005; and Pemberton et al. 2019. For this study we employ the term 'victim' to encompass all victims and survivors of the atrocities in Myanmar.

4 Although a number of individual soldiers were prosecuted for crimes committed in ethnic areas, this does not seem to have had a truth-finding or deterrent effect, and systematic investigation or prosecution of such crimes remained absent; see Renshaw, 2020. Given the consistently powerful position of the military in the country since 1962, we must take into account the limited options available for non- or quasi-military governments to instigate prosecutions. Nevertheless, the predominant experience of those exposed to human rights violations, including during NLD rule, is one of impunity.

5 Academic definitions of civil society tend to be more inclusive of non-state actors that do not necessarily strive towards these progressive goals. However, the UN definition suffices for the actors we discuss in this article.

initiatives. Importantly, these are not static categories. Rather, as noted below, they are complex, overlapping, and in flux. Next, we analyse two elements that complicate documentation efforts, namely the risk of ‘over-documentation’, and issues of hierarchy and contestation. These challenges make clear the value of strengthening partnerships and cooperation for all groups involved in documentation work that aims to promote and protect human rights (McGonigle Leyh 2017). We end by cautiously considering the potential impact, value, and limitations of Myanmar’s multi-layered documentation efforts for accountability and truth-telling processes in the aftermath of the 2021 military coup.

Since our focus is on documentation by non-state actors, we do not cover commissions of inquiry set up by the Myanmar government, nor do we cover in detail investigations initiated by the UN or international courts. We do however note when the documentation work done by civil society organizations (CSOs) has the potential to feed into the work of the UN and international organizations, and highlight instances where cooperation and coordination with international entities takes place. As we explicitly analyse the potential avenues for accountability outside of Myanmar, we highlight those initiatives that have the aim or potential to contribute to such efforts and compare these to some of the more local initiatives that have developed in Myanmar in recent decades. To this end, we highlight a number of relatively established initiatives that we encountered in our fieldtrips to the region and in the literature on this topic.<sup>6</sup> We do not aim to give a full overview of all human rights violations or all documentation efforts that have occurred in Myanmar since independence. Moreover, reflecting the international audience of many of these initiatives, we limit ourselves predominantly to those initiatives that distribute their findings in the English language. There are likely to be many more existing and newly developing documentation initiatives in Burmese and in the various ethnic languages, but those initiatives that attempt to speak to an international human rights audience tend to be written (or translated) in English. Finally, while we focus primarily on the years around the political liberalization process between 2010 and 2020, we cover various civil society documentation initiatives that originate from before this period, as well as more recent documentation efforts. After the military staged a coup in February 2021, subsequent protests were met with severe violence throughout the country, resulting in over a thousand registered civilian casualties, and an even larger number of activists and other civilians arrested and imprisoned. The renewed violence has further exposed patterns of human rights violations committed by the Myanmar military for decades. We reflect on these recent violations and the documentation efforts surrounding them where relevant for the scope of this article, which focuses on the years preceding the coup.

## 2. Multiple layers of human rights documentation efforts

In the context of serious human rights violations, documentation efforts help to preserve information about what violations occurred and where, to whom the violations happened, and who committed them. Documentation involves several steps, from assessing what information needs to be collected, to determining how best to gather the information, then

6 The authors have carried out fieldwork in Myanmar and Bangladesh for other research projects between 2010 and 2020. We draw from our collective experiences here as well as on our respective interdisciplinary expertise as researchers of transnational civil society in Myanmar, transitional justice, human rights documentation, and truth-telling in various contexts.

collecting, organizing, analysing, storing, and ultimately sharing the information with those who can use it effectively for agreed upon purposes (Amnesty International and CODESRIA 2000; PILPG 2016). In order to fully unpack and understand the diverse range of work being carried out, we distinguish between three layers of civil society documentation: (i) documentation efforts spearheaded by local CSOs, which often seek support from (trans)national human rights networks to distribute their data and strengthen their claims; (ii) documentation undertaken by refugee and diaspora communities worldwide; and (iii) documentation by third parties, such as international human rights organizations, universities, and others taking up the plight of Myanmar's ethnic minorities in international forums. These layers are not static, and they often overlap and largely complement one another.

The goals of documentation vary depending on the purposes for which the documentation will be used (PILPG 2020), and the diverse and dynamic groups represented by each of these layers will have different priorities and goals behind their documentation work. This, in turn, has an impact upon the reach of their documentation efforts. Documentation can be used for any number of objectives, including advocating for policy changes around human rights standards, building a collective memory that supports community building and reconciliation, investigating and collecting evidence of human rights violations for truth-telling, justice, and accountability processes, or providing direct services to victims and their families (Meernik et al. 2012; PILPG 2020). Historical records also have independent societal value. Documenting violations can aid survivors in learning truths about the atrocities they lived through, and it can support a more general understanding in society about the past through education or memorialization (Levy and Williams 2020). Often there are multiple goals identified.

## 2.1 Monitoring and documentation by Myanmar civil society organizations

The first category of documentation focuses on the work of local CSOs in Myanmar, including cross-border activities. Bickford (2007) refers to such local civil society efforts as Unofficial Truth Projects (UTPs), due to the absence of government endorsement. UTPs are documentation and truth-finding initiatives that resemble truth and reconciliation commissions, but are spearheaded by civil society, such as victim groups. A well-known example outside of Myanmar is the Documentation Center of Cambodia and its various projects. UTPs can have a significant impact on documentation and truth-telling, even though, or perhaps especially because, they are not government-endorsed (Stan 2015). Bickford (2007: 1035) asserts that 'the most important lesson [of UTPs] involves the flexibility that UTPs have, by their very nature, to be unique, creative, and appropriate for a local context. This is their greatest strength'. In line with this description of UTPs, CSOs in (and around) Myanmar that focus on the documentation of serious human rights violations are in fact flexible, creative, and keenly aware of the local context. They are also a diverse and fragmented group, each with their own scope, affiliated partners, and output. The following section discusses the background and scope of some of these organizations.

### 2.1.1 Local civil society documentation initiatives in recent decades

Initially, civil society in Myanmar primarily took the form of faith-based organizations, which did not have an explicit human rights mandate or purpose to their work (Kramer 2011; Kyaw Yin Hlaing 2007). As a result, human rights violations committed by the

military in the ethnic areas in the 1980s and its violent response to the large popular uprising against military rule in 1988 were not systematically documented. Domestic CSOs in Myanmar (re-)emerged in the 1990s, at a time when the first series of ethnic ceasefires was reached (South 2008). This coincided with emerging global trends, such as Western development assistance to non-state actors for democracy promotion and the rise of human rights discourses, which connected some Myanmar activists (predominantly Burman ‘democracy activists’) to transnational human rights movements (Brooten 2004; Matelski 2016). In 1994 the National Coalition Government of the Union of Burma (NCGUB), a de facto CSO consisting of exiled politicians, started a Human Rights Documentation Unit which issued annual reports (Buzzi 2017).

Subsequently, the 2000s saw a rapid rise in human rights reports by CSOs in the border areas, with more focus on ethnic minority victims. About 200 reports were published between the mid-1990s and 2015, which increasingly covered social and economic rights (Buzzi 2017), with a significant number focusing on territorial disputes, development- and extraction-related violations, and environmental threats (Holliday 2011). After the NLD government gained power in 2016, human rights monitoring and documentation further expanded. While the violence against the Rohingya which reached its height in 2017 was primarily documented by actors outside the country, local civil society actors have taken the lead in documenting renewed violence in the ethnic areas, as well as violations in central Myanmar since the coup of 2021.

Some CSOs organize their monitoring and documentation activities in networks. One of the most active ones is the Network for Human Rights Documentation—Burma (ND-Burma). ND-Burma is an umbrella organization created in 2004 comprised of 13 partner and member organizations that collaborate on human rights monitoring and documentation. Each member focuses on certain violations that are particularly relevant to their individual mission. ND-Burma brings CSOs and therefore the monitoring and documentation on different victim groups and violations together and has an international advocacy focus, although it also investigates violations that might not gain international attention, such as arbitrary taxation (Falvey 2010).<sup>7</sup> The network aims to cultivate a common framework for violations in Myanmar (Buzzi 2017). Another example of CSOs that joined efforts is the Women’s League of Burma, a coalition of 13 organizations which started in 1999 and monitors women’s rights in different states in Myanmar. Other examples of CSO networks involved in monitoring and documentation include the Myanmar Alliance for Transparency and Accountability (focusing on the extractives sector), the Myanmar Legal Aid Network, and the Civil Society Forum for Peace (Christian Aid 2016).

Individual CSOs often limit their attention to a specific region in Myanmar, a specific group of people that shares their ethnicity, religion, or gender identity, or a specific type of violation. CSOs such as the Karen Human Rights Group (KHRG), the Kachin Baptist

7 Many local CSOs have taken up important documentation and advocacy work on socio-economic rights, democratic rights, and access to justice in Myanmar. One of them is the Yangon-based Enlightened Myanmar Research Foundation (EMReF), which collaborated in the Danish-Myanmar research project ‘Everyday Justice and Security in the Myanmar Transition’ (Everjust) from 2015–2020. Given their focus on everyday justice rather than accountability for severe human rights violation, we do not cover the organization in this article, although we acknowledge the relevance of such local justice initiatives for people’s daily experiences of (in)justice and (in)security in Myanmar.

Convention (KBC), and the Chin Human Rights Organization (CHRO) focus on regions inhabited mainly by a specific ethnic group, such as (South)Eastern Myanmar for the Karen, and (North)Western Myanmar for the Chin. Other CSOs narrow their documentation to a particular social and ethnic group, such as the Shan Women's Action Network (SWAN), which documents human rights violations suffered by women of Shan ethnicity (Dukalskis 2015; Laungaramsri 2006). The Assistance Association for Political Prisoners Burma (AAPP, or AAPP-B), founded in 2000, monitors the number of political prisoners at various points in time, and reports on their treatment during and after their prison time. Since the coup of February 2021, the AAPP has taken a leading role in documenting detainment, torture and arbitrary killings by the military in response to anti-coup resistance. The Karen Human Rights Group (KHRG), established in 1992, stands out for its extensive reporting on human rights violations in Eastern Myanmar, and for its long-term efforts to work closely with affected villagers. KHRG conducts interviews, organizes community workshops, and shares information with domestic and international actors to advocate for its cause (Andrieux et al. 2005; MacLean 2022). It regularly issues reports targeting both local and international audiences, in which it highlights how ongoing conflict and lack of political will prevent human rights violations from being judicially addressed (KHRG 2019). A specific characteristic of KHRG is its insistence to document not only human rights violations, but also civilian responses to it (Malseed 2008, 2009). By 2019, it had an estimated 50–60 trained villagers active as fieldworkers in Myanmar, upon whom they relied for monitoring and documentation (Green and Ward 2021). The KHRG is among the most active groups documenting human rights violations in the ethnic areas since the 2021 military coup (e.g. KHRG 2021).

Apart from the organizations mentioned here, documentation efforts in the ethnic areas have been undertaken by various other civil society organizations with a focus on specific ethnicities, women, and youth. The fact that CSOs primarily report on violations suffered by their own ethnic (or other) group contributes to the perceived fragmentation of actors involved in human rights documentation, and the corresponding risk of 'documentation archipelagos' (MacLean 2022: 168). This is partly for reasons of access, but perceived or actual relations with ethnic armed groups also play a role. KHRG, for example, has been criticized for its close relationship with Karen armed groups, which makes it difficult for other parties to verify their claims and sources (MacLean 2022: 158).<sup>8</sup> However, such relationships also provide important points of access, specifically to locations where ethnic armed groups hold power.

Ethnic media outlets such as members of the network Burma News International (BNI) have also been at the forefront of reporting on human rights violations committed in the ethnic areas, including after the 2021 coup. Journalists belonging to these and other news organizations, as well as a number of high profile artists and film makers, have been similarly targeted and persecuted as human rights activists. Amidst this renewed repression, a rising number of independent citizen journalists has taken on the task of documenting human rights violations in Myanmar. This makes the field of civil society monitoring and documentation activities more diverse and gives rise to a number of new questions and challenges. Having sketched some of the CSOs involved in human rights documentation

8 KHRG has reportedly also refused cooperation with ND-Burma, leading to under-representation of Karen experiences in the network's documentation work (MacLean 2022: 167).



work, we will now look into the methods, standards, and output of these various initiatives.

### 2.1.2 Documentation methods, standards, and output

CSOs in Myanmar concentrate on field research as a means to gather victim testimonies and eyewitness reports, together with the use of national and international secondary sources. ND-Burma uses a specific database, the Martus database system, to store all (oral) testimonies, with the hope that these records can be used in future transitional justice processes (Bickford et al. 2009; MacLean 2022). With that ambition in mind, fieldworkers affiliated with ND-Burma members receive training on how to ask open-ended questions, modelled after international legal norms so that each testimony has all crucial data for future transitional justice processes and is similar to data from other member organizations. Both ND-Burma and KHRG make use of standardized reporting formats. These organizations generally do not have final reports such as the ones brought forward by truth and reconciliation commissions, but rather issue an ongoing flow of theme-specific or timeframe-specific reports.

Victim categories that can be distinguished among the various reports include internally displaced persons and refugees, political prisoners, women, and many others (Buzzi 2017). A number of organizations began publishing reports on sexual and gender-based violence, such as the Women's League of Burma, the Shan Women's Action Network, and the Shan Human Rights Foundation, which in 2002 published the report 'Licence to Rape'. This report had a far-reaching impact in terms of putting rape as a weapon of war on the international crime agenda, while it also led to an investigation (and subsequent dismissal) by the Myanmar government (Buzzi 2017; Laungaramsri 2006). The 2004 report 'Shattering Silences' by the Karen Women's Organization had a similar effect for sexual violence committed in the Karen areas (Sharples 2019). While initially reports focused nearly exclusively on violations committed by the Myanmar military, later reports also included violations committed by non-state actors, or those taking place in territories controlled by ethnic armed groups (Buzzi 2017). One important and rather unique example is the 2015 'Dignity report' (discussed below) by the Truth and Justice Committee of the All Burma Students' Democratic Front (ABSDF), which comprises a truth-finding mission into atrocities committed by the ABSDF itself (TJC ABSDF 2015).

CSOs in Myanmar not only share their output with local audiences but tend also to report to international bodies. For instance, they played an important role in providing documentation to the Independent Investigative Mechanism for Myanmar (IIMM), established by the UN Human Rights Council in 2018. The non-prosecutorial IIMM is comprised of experts in various fields that work together with administrative staff to fulfil their mandate to investigate, collect, and analyse evidence on international crimes committed in Myanmar since 2011 to support future domestic and international prosecutions (Levy and Williams 2020; UN HRC 2018). The IIMM reports annually about its findings and provides a platform for Myanmar CSOs to share their findings with international investigators (Stavrou 2021). Organizations such as AAPP and KHRG frequently submit shadow reports to the UN. Reports are submitted in advance of the UN Human Rights Council's Universal Periodic Review (UPR), which for Myanmar took place in 2011, 2015 and January 2021 (one week before the military coup). Other thematic reports are distributed through UN mechanisms such as the Committee on the Elimination of Discrimination against Women (CEDAW), and organizations such as Women's League of Burma frequently issued shadow reports to the government's formal statements (Beatty 2010). The majority of submissions



in these international processes tends to come from diaspora organizations based outside the country and from international human rights organizations such as Amnesty International and Human Rights Watch, which have more resources available and more experience with such processes than local CSOs. In their advocacy and reporting on human rights violations, however, they rely heavily on information collected by domestic CSOs.

## 2.2 Monitoring and documentation by refugee and diaspora communities

This section considers the establishment of the so-called ‘exile movement’ under previous military rule, and briefly looks at the implications of more recent events, such as the latest episodes of violence against the Rohingya and the post-coup violence, for cross-border activities.<sup>9</sup> These diaspora communities are mainly involved in monitoring of and reporting on data collected on the ground, but may also be involved in remote documentation work. When transnational human rights advocacy gained traction in the 1990s, Myanmar was ruled by a military government which had taken power after the 1988 uprising, and which repressed anyone attempting to highlight abuses committed by the military.<sup>10</sup> By 2009, the country reached its peak number of political prisoners, estimated at 2100 persons (HRW 2009).<sup>11</sup> Due to the restricted civic space and the ongoing violence against dissidents and ethnic minorities, many individuals fled to neighbouring countries, particularly Thailand but also China, India, and Bangladesh (Zaw Oo 2006). Consequently, several activist CSOs emerged outside the country and in the border areas, constituting a broad ‘exile movement’. These included organizations such as the Free Burma Coalition and the Ethnic Nationalities Council, which worked in collaboration with international advocacy groups such as Burma Campaign UK, US Campaign for Burma, and the Alternative ASEAN Network on Burma (Dale 2011; Williams 2012). We will return to the work of these diaspora communities in section 3.2.

Other international solidarity initiatives evolved around religion. Christian solidarity groups have long drawn attention to violations committed against the Christian populations in Myanmar (mainly the Chin and the Kachin, and the Christian sub-group of the Karen), while Islamic organizations have organized solidarity campaigns for the Rohingya and other Muslim populations. Some humanitarian organizations have also documented abuses in their areas of operation, most notably the Thai-Burma Border Consortium (TBBC, now renamed as The Border Consortium, or TBC), an international organization that works in partnership with local cross-border groups. Such humanitarian organizations, however, more than other human rights organizations, have to think very carefully about what they publish in order to ensure access to populations in need of aid.

While CSOs have continued to share their findings with the Myanmar government, it has largely denied their allegations, and refused to act in response. Consequently, these

9 The Rohingya exodus in 2015–17 and the renewed violence after the military coup of 2021 again resulted in many refugees and activists relocating to neighbouring countries. Crossing the borders in and out of Myanmar, however, is easier and more common for minorities in the Thai, Chinese and Indian border areas, than for the Rohingya who reside in refugee camps in Bangladesh.

10 In 2003, for example, two persons were sentenced to death for reporting to an ILO representative about forced labour. They were later released as part of an amnesty in 2005 (Horsey 2017).

11 At the time of writing, the number of political prisoners far exceeds this previous peak as a result of the crackdown on anti-coup protestors.

organizations have increasingly partnered with international organizations to bring Myanmar within the realm of international justice. These organizations primarily found an audience in Western countries, bringing the violations to the attention of the UN and Western states.<sup>12</sup> Calls were made on several occasions to establish a Commission of Inquiry on crimes committed by the military, which for a number of years did not materialize due to a lack of international consensus (Dukalskis 2015; Levin 2012; MacLean 2022). It was not until March 2017, in response to the violence largely perpetrated against the Rohingya, that the UN Human Rights Council created the Independent International Fact-Finding Mission on Myanmar (IIFMM). The IIFMM was mandated to establish the facts and circumstances of the alleged human rights violations by military and security forces in Myanmar. Its mandate ended in September 2019, and it has transferred its documentation to the IIMM. We will now discuss a number of entities involved in human rights documentation on Myanmar as part of their broader research on human rights worldwide.

### 2.3 Monitoring and documentation by third party entities

In response to international institutional demand for more information and documentation on alleged crimes, larger international NGOs and institutional actors, such as universities, have become active not only in supporting local CSOs involved with documentation, but also in directly documenting serious human rights violations themselves (Brems et al. 2019). Some of the more prominent efforts include the work and reporting of Amnesty International, Human Rights Watch, the International Federation of Human Rights (FIDH), Global Rights Compliance, the Geneva International Centre for Justice, the International Commission of Jurists, and Physicians for Human Rights. Each of these organizations have carried out their own documentation efforts and then reported on their findings, some before human rights bodies like the Human Rights Council and others for general advocacy.

Other NGOs have sought to have their documentation work influence specific accountability processes. The Public International Law & Policy Group, for example, released a report in 2018 detailing the crimes against the Rohingya population (PILPG 2018). A team of more than 20 international investigators travelled to the refugee camps outside Cox's Bazar in Bangladesh. They interviewed more than 1,000 Rohingya in the camps, collecting over 15,000 pages of documentation. Later these interviews were coded and analyzed with the assistance of the international law firm Orrick, Herrington, and Sutcliffe, LLP. The report has been presented before the US Congress and investigators at the ICC. It is cited over 50 times in the ICC Office of the Prosecutor's Request for authorization to open an investigation (ICC July 2019), and more than 25 times in the Pre-Trial Chamber's Decision to Authorize (ICC November 2019).

Following on from this work, PILPG has also been involved with a larger consortium project, the Global Initiative for Justice, Truth, and Reconciliation, together with the International Coalition of Sites of Conscience (a global network focused on memory) and the Centre for the Study of Violence and Reconciliation (CSV), training Rohingya refugees in the camps to document their own stories for accountability and truth-telling

12 See, for example, the report 'Threat to the Peace: A Call for the UN Security Council to Act in Burma', commissioned by Václav Havel and Desmond Tutu, and prepared by DLA Piper Rudnick Gray Cary (2005).

purposes.<sup>13</sup> Working with the Bangladeshi Liberation War Museum (LWM) and Asia Justice and Rights (AJAR), this project aims to encourage Rohingya themselves to take ownership over their own stories and have a greater say in how these are collected and used, while at the same time strengthening their cooperation with international partner organizations.<sup>14</sup> No less than 12 different Rohingya CSOs have taken part in the pilots,<sup>15</sup> yet the progress of this work has been hampered by Covid-19, fires, floods, and overall insecurity in the refugee camps. Similarly, the International Center for Transitional Justice produced documentation and training materials for local civil society organizations in Myanmar, including for ND-Burma. The emphasis with these types of initiatives is on capacity training around documentation. The NGO Fortify Rights, founded in 2013 with the specific aim to conduct investigations on human rights violations in Myanmar, also conducts research on the treatment of Rohingya refugees in refugee camps outside Myanmar.

Another type of entity involved with documentation work are universities. A number of international universities have taken on projects that allow students to specifically assist with documentation work related to Myanmar. Prominent American universities and their legal clinical programmes, for instance, have been involved with documentation work to support international accountability and truth-telling efforts (McGonigle Leyh 2021). In 2014, the International Human Rights Clinic at Harvard Law School published a legal memorandum, following from a four-year investigation, finding that the Myanmar military committed war crimes and crimes against humanity in 2005–6 (HHRP 2014; IHRC 2014). With the financial support of the university, students were able to undertake 11 field missions and compiled more than 1,000 pages of affidavits from more than 150 in-depth interviews with victims, witnesses, and soldiers within and outside of Myanmar (HHRP 2014; IHRC, 2015). The report had a significant impact upon early calls for accountability for serious international crimes against the Rohingya in Myanmar. Similarly, in 2015, Yale University's Allard K. Lowenstein International Human Rights Clinic (2015, also known as Yale Law Clinic) also produced an important report providing legal analysis on the persecution of the Rohingya. Unlike the Harvard reports, the team did not send students to carry out independent investigations. Rather, they worked together with Fortify Rights, which provided them with their own documentation work. More recently, the University of California at Berkeley's Human Rights Investigations Lab established a team dedicated to Myanmar. Their work has contributed to a number of news and NGO reports, including on hate speech and serious international crimes (Amnesty International 2017; Esuf 2017; Stecklow 2018). It has also fed into international processes, such as formal investigations being carried out by the ICC and IIMM. On a smaller scale, Northwestern Pritzker School

13 One of the authors has been involved in this project, helping to make the training videos and providing feedback to the volunteers in the programme.

14 MacLean (2022: 20) argues that victimized communities should have a larger say in the way their experiences are acquired, managed, and shared with others.

15 Arakan Rohingya National Union (ARNU), Arakan Rohingya Society for Peace and Human Rights (ARSPH), Bangladesh Rohingya Student Union (BRSU), Rohingya Community Development Campaign (RCDC), Rohingya Peace Initiative (RPI), Rohingya Refugee Committee (RRC), Rohingya Women Education Initiative (RWEI), Rohingya Women Empowerment and Advocacy Network (RWEAN), Rohingya Women for Justice and Peace (RWJP), Rohingya Youth Association (RYA), Rohingya Youth Leadership Association (RYLA), Rollywood, Shanti Mohila, and Voice of Rohingya (VOR).

of Law conducted thirty interviews with Myanmar Muslims to follow up on recommendations made during the UPR in 2015; they subsequently reported to the UN in 2020 that none of the recommendations on religious and citizenship rights previously accepted by Myanmar had been implemented.<sup>16</sup>

Similar university-backed documentation initiatives appear to be rare or non-existent. Experts from Southeast Asia, for example, have commented that their universities lack the funds to run such professional trainings, nor do they consider it a priority given the absence of viable regional justice initiatives to which such documentation could contribute.<sup>17</sup> Beyond direct documentation work, various academics in Asia, Europe and elsewhere have been closely involved in research initiatives on human rights violations in Myanmar, including the International State Crime Initiative at Queen Mary University (see [Green and Ward 2021](#)) and a number of Myanmar experts at SOAS in London. Professors from both universities spoke at the People's Tribunal on Myanmar in 2017 ([Kantar 2017](#)). The People's Tribunal on Myanmar was coordinated by a steering committee made up of Rohingya, Kachin, and Burman human rights campaigners in cooperation with the Permanent People's Tribunal located in Rome, Italy. They do not carry out direct documentation but work with local human rights activists to compile information and highlight serious violations. To our knowledge, universities outside the United States have not been extensively involved in documentation initiatives that send staff and students to collect first-hand testimonies.

Having sketched the multi-layered documentation of human rights abuses in Myanmar and the various civil society organizations, networks and coalitions involved in such activities, we will now review a number of complicating factors in these non-state documentation efforts. Thereafter, we will review the potential value of documentation efforts for accountability and truth-telling, particularly in light of the recent political developments in Myanmar.

### 3. Challenges in human rights monitoring and documentation

Despite all of the potential around increased documentation work, there are a number of challenges aside from the critical security concerns both inside Myanmar and in the refugee camps. Two important complicating factors in the process of documentation relate to the risk of 'over-documentation' and issues of hierarchy and contestation between documentation efforts.

#### 3.1 The risk of over-documentation

The risk of over-documentation may arise, particularly when it comes to the collection of statements. Over-documentation entails situations where victims and victim communities are asked to repeatedly tell and retell their stories to different documenters or audiences, often without fully understanding who is taking down their story or for what purpose it will be used. Indeed, it is becoming increasingly common for multiple actors to be involved with documentation efforts ([OHCHR 1996](#)). The term 'over-documentation' has, for instance, been applied to the situation of the Rohingya who fled to Bangladesh from human rights abuses committed by the military, and whose presence outside Myanmar made them relatively accessible to a wide variety of international documenters ([Buzo 2020](#)).

16 See <https://www.ohchr.org/en/hr-bodies/upr/uprmm-stakeholders-info-s37> for an overview of all submissions to Myanmar's UPR third cycle held in January 2021.

17 Email communication with two persons with close knowledge of Thai universities, March 2022.

There are two main concerns associated with over-documentation. First, there are concerns related to safety and wellbeing. If there are multiple actors collecting statements from victims and witnesses, they may not all be adhering to best practice when collecting and storing the information. This can potentially put individuals at risk. Likewise, if multiple actors are collecting statements, a process referred to as ‘interview fatigue’ may arise (Boesten and Henry 2018). The repetition can have a negative impact on the health and wellbeing of those interviewed. Being asked to recount horrific experiences, often to strangers, can re-traumatize the person (Bickford et al. 2009). Having to do so multiple times can have serious negative effects on a person’s mental condition, especially if they are not also given tools and psycho-social support to process their experiences. One such example was provided with regard to the SWAN report ‘Licence to Rape’, where the commissioning CSO had started shielding women from providing testimony as they considered the traumatic effect to outdo any positive results of broader attention for the findings (Falvey 2010). Likewise, a representative of the International Commission of Jurists has warned that ‘the large scale, mostly uncoordinated’ documentation of crimes committed against the Rohingya can result in harm to victims and witnesses, particularly children and victims of sexual and gender-based violence (Abbott 2019).

The re-traumatization can also lead to another concern, which relates to the accuracy of the information provided. Research has shown that the reliability of witness statements deteriorates when recounted multiple times (Lacy and Stark 2013). Moreover, it has been noted that in situations of multiple simultaneous documenting efforts, duplication may occur alongside significant gaps in the narratives that arise.<sup>18</sup> An Australian lawyer who spent two years living in Cox’s Bazar after the Rohingya exodus particularly warns against ‘parachute’ missions that seek to collect as much information as possible within a short time period (Buzo 2020). Not only can these extractive exercises lead to ‘interview fatigue’, but victims may also become confused about the purpose of the documentation. Unsurprisingly, individuals may start asking for reimbursement for repeatedly telling their stories for use by others (Buzo 2020). In the long run, this could lead to people becoming what some sociologists have called ‘professional victims’ whose identity becomes centred around victimhood because it generates attention and sometimes much needed resources (Brewer 2010: 164). It is therefore important that civil society documentation initiatives adhere to the ‘do no harm’ principle. This involves conscious efforts to recognize, prevent and reduce any unintended negative effects of their activities on individuals or communities involved, and may require either action or inaction. To this end, documenters can carry out risk assessments in terms of physical safety, protection of personal identity, and well-being of the persons being interviewed and those around them (OHCHR 1996).

### 3.2 Hierarchy and contestation between documentation efforts

Another complicating factor concerning human rights documentation efforts by CSOs is the issue of hierarchy and contestation of information. Inevitably, the question of which human rights violations get taken up by CSOs and their counterparts is dependent not only on

18 MacLean (2022) makes a broader point regarding the subjectivity of human rights ‘facts’, especially once they have been written down, analysed, and possibly translated, as well as the existence of ‘organizational silences’. This underlines the importance of a certain level of standardization of documentation methods, although human rights documenters may never arrive at uncontested, univocal ‘truths’.

the severity of the violations and the trustworthiness of the source, but also on logistics, finances and political context, a process that has been referred to as ‘filtering’ (Andersen 2019). Traditionally marginalized groups, for example those with lower socio-economic status or residing in remote territories, tend to receive less attention than victimized high profile activists (Jensen et al. 2017). Among the Rohingya refugee population in Bangladesh, it has been noted that those victims who were already receiving humanitarian services were more likely to have their experiences documented, sometimes repeatedly, than less visible sub-groups, including women, male survivors of sexual violence and transgender people, who are often reluctant to come forward (Buzo 2020). Research has found that the Rohingya most likely to be reached by ICC and IIMM outreach teams are male, literate, and English speaking. Moreover, the Covid pandemic and subsequent restrictions have further enlarged the information gap between literate and illiterate Rohingya victims, because outreach teams have been unable to travel and communities have had to rely more and more on online information (Buzo 2021).

Apart from the deteriorating situation since the coup of February 2021, contestation over human rights violations may be Myanmar civil society’s greatest challenge. Myanmar society is divided into many ethnic groups living in various parts of the country, including the numerically and politically dominant Bamar (or Burman) people who mainly inhabit central Myanmar, and the various ethnic minority groups in the border areas (Smith 1999). Both the military and the political opposition (Aung San Suu Kyi’s NLD party) have been dominated by Burman elites (Walton 2013). Other significant differences exist based on class, gender, religion, age, rural/urban and educational background (Campbell and Prasse-Freeman 2021). While potentially a strength, this diversity has been played out by various power holders, most notably the military, to create a divide-and-rule strategy and perpetuate internal conflict (Callahan 2003). In addition, the issue of ‘competitive victimhood’ can impede collaboration between ethnic groups, because of differing views among these groups on who suffered the most (MacLean 2022: 166).

As many activists had to flee the country in response to repression, contestation also emerged between local activists and diaspora communities. Transnational activists have combined reporting on human rights violations with advocacy messages that do not always resonate with local needs and priorities in Myanmar, for example by prioritizing political over economic rights, or by calling for punitive measures that may further marginalize local populations (Matelski 2016). Other hierarchies are also visible with regard to documentation by CSOs in Myanmar. Gender-based violence, for example, is more likely to be viewed as ‘collateral damage of warfare’ than as a serious violation in itself (Chappell 2017: 1225). Activities such as the training offered to local communities by KHRG may help to balance existing inequalities but may also perpetuate divisions. It has been observed, for example, that the preferred local treatment of perpetrators of human rights violations may be less focused on punishment when the person is from the same ethnicity as the victims (that is a Burman soldier accused of rape should be tried in court, but for a soldier of the same ethnicity as the victim, this should be dealt with internally, if at all),<sup>19</sup> which shows that local views on justice may vary. Moreover, CSOs that consult local communities may choose to

19 This hypothetical example discussed during a training session (Falvey 2010: 266) also reveals a lot about gendered power relations in Myanmar civil society (see Matelski and Nang Muay Noan 2022).

prioritize violations that do not traditionally appear in international justice initiatives, such as arbitrary taxation (Falvey 2010).

These examples remind us that shared victimhood does not necessarily result in shared experiences in terms of human rights violations, or a uniform agenda in terms of potential responses. The marginalized Rohingya population in Western Myanmar has long been viewed as being outside Myanmar (civil) society, particularly by Burman politicians and democracy activists.<sup>20</sup> As a result, their plight was hardly taken up by other civil society groups in Myanmar, and advocacy on their rights was mainly conducted by diaspora and international human rights organizations. The attention that local journalists and ‘citizen reporters’ have drawn to violations committed in the post-coup period brought awareness among the Burman majority population to crimes endured by ethnic minorities for decades, and some activists have publicly apologized for their limited acknowledgement of crimes committed against the Rohingya minority (Sharma 2021). The recent attention within Myanmar civil society for the exceptional suffering endured by the Rohingya, including initiatives for a commemoration day dedicated to the violations of 2017 (Bauchner 2021), is an important move towards recognition of mutual suffering over competition for victimhood.

Hierarchy and contestation occur not only with regard to the violations documented, but also with regard to the source of accounts, and the type of perpetrator. Direct accounts from the Tatmadaw itself are scarce and not publicly available, resulting in an emphasis within documentation on accounts from survivors and witnesses, which could be potentially problematic in establishing ‘facts’ (MacLean 2022: 28–9). Furthermore, since international audiences receive their information mostly from activists in the diaspora, who have long had the specific goal to end military rule in Myanmar and highlighted violations by the military, the violations committed by non-state groups have received less attention (South 2008). Ethnic armed groups tend to have close ties with ethnicity-based CSOs. Given their unique access to territories under their control, these groups play an important role in the documentation of human rights violations in their areas of operation, leading to inevitable bias in reporting towards the outside world (Falvey 2010; Sharples 2019).

In one unique case of introspection, the All Burma Students’ Democratic Front (ABSDF), a student army started after the 1988 uprising, investigated the torture and killing of 35 of its members in 1991–2 who were perceived to be government spies. The investigation, released in 2015 under the name ‘Dignity Report’ (TJC ABSDF 2015), avoids putting the blame on the central organization or acknowledging its command responsibility, and received mixed responses from the victimized families (Nyein Nyein 2015). In other cases, ethnic media and human rights organizations have drawn attention to possible violations by ethnic armed groups, although their main focus has remained on the Myanmar military (Brooten 2004). In the course of 2021, as violence increased against anti-coup protestors and the military continued to act with impunity, a number of actors among the mostly non-violent protestors turned themselves into ‘People’s Defense Forces’ (PDFs). These guerrilla-type forces act with explicit approval from the National Unity Government (NUG) and are

20 Notably, in December 2019, Aung San Suu Kyi headed the delegation defending the government (more specifically, the military) against accusations of serious crimes committed towards the Rohingya at the International Court of Justice (ICJ) in The Hague (Simpson and Farrelly 2020). After the military coup of February 2021, she was placed under house arrest, and the military sent its own representation to defend the country before the ICJ.



said to have killed over 1,000 soldiers and police officers in their first months of existence (Beech 2021).<sup>21</sup>

The above discussion raises the question, if not all human rights violations can get equal attention, which documentation initiatives should receive domestic and international priority: those violations that are considered most severe, those most likely to be prosecuted, or those concerning the most vulnerable populations? The answer depends on the goal of the documenters, as well as on the capacities of domestic and international actors to distribute information and take action. The goals for local CSOs documenting human rights violations are likely to be diverse, and research on other countries has shown that victims living in poverty often prioritize protection over accountability; not because they do not value prosecution of perpetrators, but because they consider it unlikely to be successful (Falvey 2010; Jensen et al. 2017). In such situations, ‘getting to Geneva [or The Hague] is not always the best thing’ (Jensen et al. 2017: 414). For example, some Rohingya sub-groups in Bangladesh oppose ICC intervention because they fear it will delay their return to Myanmar. CSOs involved with documentation should be mindful of these diverse priorities and not assume that legal processes are always the end goal of victims. The question can also be raised to what extent individual CSOs are aware of, and able to adequately respond to, the risk of ‘interview fatigue’ and re-traumatization. Truly victim-centred accountability initiatives do not only seek to collect testimonies but are also transparent and sensitive to the various needs of victimized communities, while avoiding extractive practices.

#### 4. Potential value of multi-layered documentation efforts

The challenges noted above should not take away from the value of multi-layered documentation work, especially with regards to strengthening partnerships and cooperation for all groups involved in documentation work that aims to promote and protect human rights. Cooperation and coordination help ensure higher standards of documentation, knowledge exchange, information sharing, technical assistance, and ongoing dialogue (McGonigle Leyh 2017). In particular, cooperation will guarantee a certain level of standardization, which can help in ensuring accuracy and reliability of the information collected.<sup>22</sup> In addition, there are numerous and varied processes that documentation work feeds into (Nystedt et al. 2011)—processes that promote human rights, accountability, and truth-telling in the form of historical archives, memory initiatives, and education reforms. The multi-layered documentation efforts in and outside of Myanmar have certainly contributed to all of these types of processes.

21 The National Unity Government (NUG) was formed by the Committee Representing Pyidaungsu Hluttaw in April 2021. It competes for recognition as the legitimate government with the military-led State Administration Council. The NUG has little formal powers, but enjoys broad popular support. It is in the process of seeking international recognition, and in 2022 failed in its attempt to be acknowledged as state representative before the ICJ after the detention of Aung San Suu Kyi.

22 MacLean (2022) calls for greater standardization among fact-finders working on Myanmar. He emphasizes the difficult conditions under which civil society actors have to document their findings, specifically on the Thai-Myanmar border, but also criticizes ‘major actors’ such as Human Rights Watch which he argues are not transparent about their research or training methodologies (14). In the era of misinformation (a well-known problem since the entry of social media into Myanmar) and ‘deep fakes’, transparency of methods and replicability of findings becomes increasingly relevant (ibid, 16).

#### 4.1 Cooperation and coordination

Local organizations have long been aware of the need to make their documentation work valid and replicable. The Human Rights Education Institute of Burma and its umbrella organization ND-Burma, as mentioned above, have developed a ‘controlled vocabulary’ in order to standardize and professionalize the network’s documentation efforts (ND-Burma 2021). In one documented example, fieldworkers from ten organizations spoke to local witnesses to understand the use of specific language in each unique context (Bickford et al. 2009). After careful discussion between these organizations, 15 categories of crimes were specified to be used for ‘a broad historical record of human rights violations in Burma’ and input was sought from international legal experts to make sure the chosen categories would comply with international legal norms (Bickford et al. 2009). KHRG has also developed documentation practices, such as a standardized reporting format for individuals who suffered abuse, and audio-recording of oral testimony (KHRG 2017). Greater cooperation should also help prevent duplication of efforts or potentially contradictory activities and information. It is important that CSOs collecting information consult with others active in the same spaces, particularly with regard to future accountability processes (International Bar Association 2009; OHCHR 1996).

The recent anti-coup violence and its widespread documentation may be a catalyst for bringing former ‘competing’ victim groups and documenters closer together. Indeed, even though the monitoring and documentation efforts in Myanmar are seemingly fragmented and diverse, several CSOs have joined forces (even if limited) and grouped together in new partnerships. In April 2021, for instance, the PILPG organized an online roundtable on programming in Cox’s Bazar. The purpose was to share best practices among the various groups working in that space in an effort to better consult and share information. More so than ever before, due in part to new communication and open-source documentation technologies (Levy and Williams 2020), these partnerships are having an important effect on accountability and truth-telling efforts. Nevertheless, a certain level of contestation is bound to persist as CSOs have their own interests, concerns, and preferred approaches.

#### 4.2 Benefits for international accountability processes

Within Myanmar there have been few, if any, meaningful criminal or civil accountability processes available to those individuals and groups who have been harmed by the military. Systematic investigation or prosecution by the state to acknowledge wrongdoing in the past has remained absent, and non-military leaders have had little opportunity to do so, given the continued influence of the military. Since the coup of 1 February 2021 the *de facto* state consists of the same military leaders responsible for the most serious crimes committed against ethnic minorities, who continue to commit new human rights violations. As a result of Myanmar’s unwillingness to push ahead with any credible accountability processes, the international community has taken steps in this regard, although they are still in a preliminary phase at the time of writing. Presently, there are three noteworthy accountability processes ongoing related to the 2017 violations committed by the military against the Rohingya, while initiatives in response to the post-2021 coup violence are also being established.

The first international accountability initiative relates to State responsibility under the Genocide Convention and proceedings before the International Court of Justice (ICJ). A case was brought by The Gambia but, despite some important provisional measures

ordered by the Court requiring Myanmar to cease violations, preserve evidence and regularly report on the situation, this could take up to 10 years or more to complete (ICJ 2020). Moreover, the case focuses only on the grave crimes committed in recent years against the Rohingya population, and does not cover the historic and ongoing violence against a multitude of other ethnic groups, such as the Karen and the Kachin (Simpson and Farrelly 2020). The second international accountability initiative relates to criminal investigations being carried out by the Office of the Prosecutor of the International Criminal Court (ICC, November 2019). These investigations also focus on the crimes committed against the Rohingya during and after the 2017 violence. They may lead to the naming of specific suspects, but again the process will be long and drawn out, and without the cooperation of Myanmar may never lead to an actual prosecution. Presently, no individuals have been named. Finally, there has been an attempt to initiate a foreign domestic prosecution under universal jurisdiction legislation in Argentina (Bo 2019). The case was brought by the Burmese Rohingya Organization UK (BROUK), and in November 2021 the Argentinian appeals court has allowed the case to proceed (Buenos Aires Times 2021; Tun Khin 2020).

For those organizations working specifically on documenting the 2017 crimes against the Rohingya, there are avenues for engaging with the ICC, either directly or through the IIMM (Levy and Williams 2020). Engaging with the other legal processes is more difficult, though not impossible. Connections would need to be established with The Gambia or its lawyers, or with BROUK and its lawyers. The role of international NGOs in helping to make these connections becomes important for local documentation efforts to have an impact on these processes. Notwithstanding the significant steps being taken before the ICJ, ICC, and the Argentinian criminal justice system, the limitations of criminal accountability processes are clear. They are long, cumbersome, and fraught with difficulties. While symbolically important, they are incapable of presenting the full story of harms suffered and are unlikely to have a visible impact on the ground for the victims involved. Moreover, all of these accountability processes are focused on the 2017 violations perpetrated against the Rohingya. They do not address the layers of victimization suffered by the Rohingya prior to that date; nor do they address crimes perpetrated against other minority groups. Given these limitations, much of the documentation that has been undertaken by CSOs both inside and outside of Myanmar will not feed into and inform these processes—which can cause tensions between groups. To better address Myanmar's layers of victimization and legacy of impunity, other processes such as truth-telling processes, memorialization, or education may be complementary avenues for the documentation to feed into (Renshaw 2020).

#### 4.3 Benefits for truth-telling as historical record and memorialization

Civil society documentation can benefit truth-telling in terms of providing a historical record and can serve as a basis for memory initiatives. Levy and Williams (2020) signal the potential value of a historical record beyond accountability, notably for victims to gain more information about the facts surrounding their own suffering, and for societies as a whole to acknowledge the atrocities they went through. The value of such archives is emphasized in other contexts, such as Guatemala (FIDH 2010: 52). Various victim groups in Myanmar have organized their own forms of memorialization, but these remain fragmented and informal in nature. ND-Burma is one of several organizations that have long been involved in oral history activities (Bickford et al. 2009; Falvey 2010), and has also attempted to conduct an informal truth commission (Dukalskis 2015). Former political prisoners belonging to the 1988

generation have held many commemoration events in Myanmar since the opening up of the country in 2012 (Thein-Lemelson 2021). The AAPP also hosts two small museums on political prisoners. The first is located in Thailand, and the second opened in Yangon in 2018 (virtual tours are available online). The Minister for Human Rights (and former director of HREIB/Equality Myanmar) recently appointed by the National Unity Government that was formed by elected politicians after the 2021 coup has announced that the NUG would build a museum to document atrocities committed by the military.<sup>23</sup> This would first be built online, with a physical location added at a later date (Whong 2021). Another relevant initiative concerns the online Burma Civil War Museum (2021), which is being established at the time of writing and seeks to compile and archive histories of armed revolution and human rights violations. Indeed, it has been noted that documenters of human rights violations increasingly rely on digital data collection and dissemination (Sharples 2019).

#### 4.4 Benefits for truth-telling through educational reform

The value of the ongoing monitoring and documentation in Myanmar also lies in its potential for truth-telling through educational reform, with regard to, for example, history curricula and human rights education. Education can address inequities and past violence and simultaneously support critical and autonomous thinking about society. It can encourage civic participation and human rights awareness to create a more stable and peaceful future (Davies 2017). The way teachers approach the concept of equality in their classroom—be it in terms of culture and atmosphere (treating students equally) or in terms of actual content (covering human rights or civic education)—can influence relationships between students and affect their take on the importance of equality and human rights protection. Education in this sense could reach multiple generations. In addition, documentation efforts, especially when used in transitional justice processes, can also be reflected in history classes. The way textbooks and teachers approach the injustices and historical (legal) justice of the past may contribute to sustainable peace and ‘thick democracy’ (Bellino et al. 2017: 324).

In Myanmar, the state has long failed to secure the right to education, and the situation has further deteriorated after the 2021 military coup. This implies that any incorporation of topics or methods that might contribute to awareness of human rights would have to come from non-state education providers (Matelski 2015). While non-state actors, particularly in some of the ethnic states, have developed their own curriculum and modes of teaching, the various ethnic groups have historically emphasized their own victimization, and it may take a larger scale initiative to make substantial steps in this regard. While some place hope in the recently established National Unity Government that contains shadow ministers on education, youth and human rights, the NUG has also received criticism for its blind spots, and may in any case lack sufficient influence, at least at the time of writing, to bring about a broad change in perspective.<sup>24</sup> Although the post-2021 coup environment has

23 The fact that the NUG consists of former civil society activists (some of whom later became elected MPs) may contribute to its aspiration to document human rights abuses by the military. Regardless of its formal status, we would like to acknowledge its efforts as one of the first attempts by an actor claiming political representation to acknowledge human rights violations taking place in the country.

24 The NUG has been criticized for failing to speak out explicitly on the accusation of genocide against Rohingya, and for its alleged condoning of violence committed by the People's Defense Forces.

brought opportunities for inter-group solidarity, it has also exposed deep-seated divisions in Myanmar society resulting from decades of neglect of human rights, and insufficient knowledge of the violations endured by various sections of the population. Even in the absence of a military government with some of the worst human rights violators in power, it may well take generations to overcome such a legacy.

## 5. Conclusion

Documenting human rights violations in Myanmar is an ongoing effort for local CSOs, the diaspora community, and international entities. The variety of these efforts, especially with regards to their scope, shows the multi-layered and widespread suffering and victimization endured by the people of Myanmar. Undoubtedly, the 2021 coup and subsequent violence contribute to the complex realities in Myanmar, further hampering accountability and truth-telling initiatives. Issues pertaining to standardization of documentation, over-documentation, and the sometimes contested documenting efforts are additional complicating factors that may result in placing documenters at risk, confounding the documentation landscape, and prioritizing some victim groups over others.

Nevertheless, the diverse range of monitoring and documentation efforts in Myanmar show the potential for partnerships and affiliated networks of CSOs that join forces with one another as well as with international actors. These partnerships will be key as accountability and truth-telling efforts move forward and could also benefit memorialization initiatives and educational reform. The international community should support the efforts of locally based actors wherever possible, and not just rely on international criminal justice initiatives. The latter may be desirable to achieve individual accountability, but international prosecutions alone cannot address the broad layers of victimization that permeate Myanmar society, nor can they do justice to the knowledge and agency of the diverse range of local civil society actors seeking to monitor and document human rights violations past and present.

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