



One Hundred Sixteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

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February 15, 2019

The Honorable Mike Pompeo
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C., 20520

Dear Mr. Secretary:

We write to urge the Department of State to make a clear determination regarding the crimes that were committed by the Burmese military and security forces against the Rohingya as detailed in the Department's August 2018 summary report, "Documentation of Atrocities in Northern Rakhine State." We commend the Department's efforts to collect evidence and release part of this information in a summary report on the Burmese military and security forces-led violence against the Rohingya population. We also appreciate the Department's willingness to call these crimes ethnic cleansing starting in late 2017, but we urge you to take the necessary next step of making a formal determination regarding these crimes in light of the overwhelming evidence that has emerged over the last year.

As you are aware, the Burmese military and security forces systematically and brutally targeted the Rohingya community in the 2017 "clearance operations," killing thousands of innocents and displacing more than 700,000 people. The United Nations Independent Fact-Finding Mission on Myanmar report released on September 12, 2018, established consistent patterns of grave violations of international law and concluded that the atrocities perpetrated likely amount to crimes against humanity, war crimes, and genocide. Former U.S. Ambassador to the United Nations Nikki Haley later said the State Department's findings were consistent with those of the United Nations Fact-Finding Mission report.¹ However, the Department's

¹ Nikki Haley, "Remarks at a UN Security Council Briefing on the Situation in Burma," August 28, 2018, U.S. Mission to the United Nations, <https://usun.state.gov/remarks/8560>.

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documentation report does not include such a determination of whether the crimes committed against the Rohingya constitute genocide.

The U.S. Holocaust Memorial Museum similarly concluded on December 3, 2018, that there is compelling evidence the Burmese military committed genocide against the Rohingya. Additionally, in December 2018 the Public International Law and Policy Group (PILPG), which conducted the surveys that form the basis for the Department's report, concluded in an independent legal analysis "that there are reasonable grounds to believe" that genocide, crimes against humanity, and war crimes were committed against the Rohingya.

In the face of this overwhelming evidence, the U.S. House of Representatives passed H.Res. 1091 by a margin of 394-1 in December 2018. This bipartisan resolution calls these crimes what they are: genocide. The resolution also expresses the overwhelming opinion of the House that "the Secretary of State should determine, based on available evidence, whether the actions by the Burmese military in northern Rakhine State in 2017 constitute crimes against humanity, genocide, or other crimes under international law".

We request that you provide the Committee with the full report, including data from interviews with Rohingya refugees, along with the Department's written determination of whether the crimes committed against the Rohingya amount to genocide. The United States must not be ambiguous in the face of such appalling violations of human rights. Making a formal determination acknowledging the full extent of these crimes is a critical step toward accountability for the perpetrators of these crimes and justice for the victims.

Thank you for your attention to this urgent matter. We look forward to hearing from you.

Sincerely,



ELIOT L. ENGEL
Chairman
House Committee on Foreign Affairs



MICHAEL T. MCCAUL
Ranking Member
House Committee on Foreign Affairs



BRAD SHERMAN
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