

United States Senate
WASHINGTON, DC 20510

December 19, 2018

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

Dear Mr. Secretary,

We commend the State Department for its work to document atrocities and provide humanitarian assistance to the Rohingya, following atrocities committed against them by the Burmese military and security forces in Rakhine State. However, we are deeply concerned that despite clear evidence of genocide amassed by the Department's own report—alongside the findings of numerous credible non-governmental organizations, including the U.S. Holocaust Memorial Museum—that the Department has not made a formal determination that the crime of genocide has been committed.

The definition of genocide includes killing or causing serious bodily or mental harm to a national, ethnic, racial, or religious group with the intent to destroy, in whole or in part, the group. The deliberate infliction on such a group of conditions intended to bring about the physical destruction in whole or part of the group also constitutes genocide.¹

There is no question that the violence in northern Rakhine State -- intended to terrorize, drive out, and exterminate Rakhine's Rohingya population -- meets the definition of genocide. It has been documented by respected organizations that the attacks starting in August 2017 were well-planned and fully-coordinated military operations, which included the deliberate use of tactics intended to destroy the Rohingya as an ethnic/religious group. These actions clearly meet internationally-accepted definition for genocide.

The Department's own report published in September 2018 expertly and extensively documents these atrocities and their scale. The Public International Law and Policy Group (PILPG), the legal experts who were contracted by the Department to gather evidence used for its report concluded “there are reasonable grounds to believe that genocide has been committed” against the Rohingya. We respectfully ask that you provide a formal legal determination regarding whether the actions of the Burmese military amount to genocide to Congress without delay.

While we would agree that there are often situations of violence and mass atrocities around the globe in which evidence is uncertain and intentions unknowable, the situation in Rakhine State is


¹ Convention on the prevention and punishment of the crime of genocide, done at Paris December 9, 1948; U.S. accession on February 23, 1989.

not one of those cases. Refusal to formally determine that this situation constitutes genocide in light of the available evidence would leave an indelible stain on our nation's legacy of promoting and advancing human rights, dignity, and accountability. It would also deny truth-telling and accountability for the thousands of Rohingya who have been terrorized by the Burmese military's brutal actions.

We look forward to working with you to ensure the United States continues to play a leading role in providing assistance to vulnerable and targeted populations, documenting crimes against humanity, and bringing perpetrators to justice.

Thank you for your attention to this important issue.

Sincerely,



Robert Menendez
United States Senator



Marco Rubio
United States Senator



Edward J. Markey
United States Senator



Susan M. Collins
United States Senator



Tim Kaine
United States Senator



Benjamin L. Cardin
United States Senator



Jeffrey A. Merkley
United States Senator