



# Human Rights Now

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## Human Rights Now Condemns the Violence against Rohingya in Myanmar and Calls for a Commission of Inquiry

### I. Reported Serious human rights violations against Rohingya people

Human Rights Now, a Tokyo-based international human rights NGO, expresses its grave concern over the human rights situation facing the Rohingya people in Rakhine State, Myanmar.

The Rohingya, a Muslim ethnic minority group, have been deprived of citizenship since 1982, and since 2012 they have been subjected to increasing violence and persecution.

On October 9, 2016, armed assailants attacked Burmese border police posts, prompting Myanmar security forces to place a large area of western Rakhine state, containing multiple Rohingya villages, under a lockdown.<sup>1</sup> According to a recent OHCHR report, inside this zone, military and police forces, joined by Buddhist Rakhine villagers, began conducting a violent and systematic reprisal against Rohingya referred to as an “area clearance operation”, which is continuing as of early February 2017.<sup>2</sup> The lockdown was followed by hundreds of reports of grave human rights abuses by Burmese security forces and Rakhine villagers. OHCHR have stated that they continue to receive daily reports of extrajudicial killings, rape, torture, beatings, disappearances, arbitrary detentions, and destruction of property.<sup>3</sup>

Over 66,000 Rohingya have fled to neighbouring Bangladesh with a further 22,000 internally displaced.<sup>4</sup> The UN Special Rapporteur on the situation of human rights in Myanmar, Ms. Yanghee Lee, visited Myanmar in January 2017, and reported observing burnt houses and the destruction of property in Rohingya villages, as well as reports of disappearances and over 450 people detained in relation to the raid.<sup>5</sup> On February 3, 2017, the OHCHR mission to Bangladesh published “Interviews

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<sup>1</sup> OHCHR, “Myanmar: UN expert warns of worsening rights situation after “lockdown” in Rakhine State”, 18 November 2016, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20895&LangID=E>.

<sup>2</sup> Report of OHCHR mission to Bangladesh, “Interviews with Rohingyas fleeing from Myanmar since 9 October 2016”, 3 Feb. 2017, [www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf](http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf) (“OHCHR Report”).

<sup>3</sup> OHCHR, “‘Callous’ approach to northern Rakhine may have grave repercussions – Zeid”, 16 December 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21042&LangID=E>.

<sup>4</sup> OCHA, “Asia and the Pacific: Weekly Regional Humanitarian Snapshot (17-23 January)”, 23 January 2017, <http://reliefweb.int/report/sri-lanka/asia-and-pacific-weekly-regional-humanitarian-snapshot-17-23-january-2017>.

<sup>5</sup> OHCHR, “End of Mission Statement by Special Rapporteur on the situation of human rights in Myanmar”, 20 January 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21107&LangID=E> (“SR Report”).

with Rohingyas fleeing Myanmar since 9 October 2016” (hereafter “OHCHR Report”), which provides accounts of abuses in the lockdown zone, massive in scale and systematic in implementation.<sup>6</sup> The accounts were gathered by OHCHR interviewers and interpreters from January 12-21, 2017, in Cox’s Bazar, Bangladesh, near the Myanmar border, from over 220 Rohingya in 8 different sites, all of whom had fled after October 9 and all but two from the lockdown zone.<sup>7</sup> The interviews also included UN representatives, NGOs, health professionals, and other experts; the taking of photographic evidence of injuries; and a statistical analysis of reported violations which indicate that, for every violation, an average of 51% of interviewees reported having witnessed it.<sup>8</sup>

The accounts, supported by the photographic and other evidence, include hundreds of reports of:

- Mass killings, including by beatings, point-blank gun executions, burnings, knife stabbings, indiscriminate gunfire and grenade launches by attack helicopters, including against those fleeing, deliberate drownings of those fleeing across the river into Bangladesh, and other means of killing. The burnings include burning adults and children alive, whether by pushing them into or barricading them in burning houses or tying them to posts and building fires at their feet;
- The enforced disappearance of young women and males in villages between the ages of 18 to 45 rounded up, often tied up, and transported away. Family members never received knowledge of their fates, except for a few who escaped or bribed their captors.
- Widespread beatings and torture, including of children as young as 2 and an 80-year-old elderly woman;
- Widespread violent rape, often gang rapes by as many as 10 soldiers, of women and girls, some as young as 11; other forms of sexual violence; and the common practice of sexually invasive body searches of women and girls in front of family members or in public areas;
- Intentional psychological traumatization of victims, such killing children in front of their parents, disappearances of family members, and rapes in front of women’s and girls’ families;
- Burning of Rohingya houses and property, looting, and other destruction of property;
- Arbitrary mass detentions;
- Acts of religious and ethnic discrimination such as burning Qurans, cutting or burning off men’s beards, and steps to remove of displaced persons’ residency status. The abusers were reported as saying things such as “you are Bangladeshi and you should go back” and “What can your Allah do for you? See what we can do?” during their abuses.

Satellite images also clearly indicate the destruction and burning of villages in the region.<sup>9</sup> Rohingya villages within the lockdown zone remain heavily occupied by Myanmar security forces, which leave fleeing Rohingya no place to escape except across the Bangladesh border.<sup>10</sup>

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<sup>6</sup> OHCHR Report, *supra*, n. 2.

<sup>7</sup> *Id.*, at 3-7.

<sup>8</sup> *Id.*, at 9. Witnesses include those that saw a violation committed or were victim to one. 65% reported killings; 56% reported disappearances; 64% reported beatings; 43% reported rape; 31% reported sexual violence; 64% reported burning/destruction of property; and 40% reported looting.

<sup>9</sup> BBC News, “Rohingya villages ‘destroyed’ in Myanmar, images show”, 21 November 2016, <http://www.bbc.co.uk/news/world-asia-38049106>.

The OHCHR Report concluded that the attacks appear “to have been widespread as well as systematic, indicating the very likely commission of crimes against humanity (as the High Commissioner concluded already in June 2016).”<sup>11</sup>

Following the release of the OHCHR Report, the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein called on Myanmar to immediately stop human rights abuses against Rohingya, describing “devastating cruelty” to Rohingya children.<sup>12</sup> High Commissioner al-Hussein also called for the immediate end of Myanmar’s operation, a “robust reaction of the international community”, and an international commission of inquiry.

## **II. Lack of domestic accountability**

Following the release of the OHCHR Report, Aung San Suu Kyi told High Commissioner al-Hussein “that an investigation will be launched”, “that they would require further information” for which she requested UN assistance, and also that “there was no denial.”<sup>13</sup> A presidential spokesperson, Zaw Htay, also said Myanmar officials “will be immediately investigating these allegations” and “where there is clear evidence of abuses and violations, we will take all necessary action.”<sup>14</sup> Al-Hussein responded that a Myanmar inquiry by itself “would not meet international standards, and there would need to be an international commission of inquiry.”<sup>15</sup>

Myanmar’s past failure to investigate or prosecute alleged abuses against Rohingya raises concern about its commitment, however. Former UN Secretary-General Kofi Annan, who chairs an Advisory Committee on Rakhine State established by the government in August 2016, expressed concern over the lack of transparency by the Myanmar government.<sup>16</sup> In January 2017, the Investigation Commission on Maungtau, which was established by the President, issued its interim report denying allegations of genocide and reporting no human rights violations.<sup>17</sup> Special Rapporteur Lee noted that, although she was largely granted access to the region during her January 2017 visit, she was concerned about the government’s denial of rights abuses despite her discovery of evidence to the contrary.<sup>18</sup>

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<sup>10</sup> Ellen Barry, “‘There are no homes left’: Rohingya Tell of Rape, Fire and Death in Myanmar”, *The New York Times*, 10 January 2017, <https://www.nytimes.com/2017/01/10/world/asia/rohingya-violence-myanmar.html>; Jesmin Papri, “Rohingya Children Give Eyewitness Accounts of Atrocities in Myanmar”, *BenarNews/Radio Free Asia*, 23 January 2017, <http://www.rfa.org/english/news/myanmar/rohingya-children-01232017172058.html>.

<sup>11</sup> OHCHR Report, *supra* n. 6, p. 42.

<sup>12</sup> UN News Centre, “UN report details ‘devastating cruelty’ against Rohingya population in Myanmar’s Rakhine province”, 3 Feb. 2017, <http://www.un.org/apps/news/story.asp?NewsID=56103#.WJq2qH-T7nc>.

<sup>13</sup> Nick Cumming-Bruce, “Rohingya Face ‘Campaign of Terror’ in Myanmar, U.N. Finds”, *New York Times*, 3 Feb. 2017, <https://www.nytimes.com/2017/02/03/world/asia/rohingya-myanmar-un-report.html>; Stephanie Nebehay, “Myanmar’s Suu Kyi vows to investigate crimes against Rohingya - U.N.’s Zeid”, *Reuters*, 3 Feb. 2017, <http://uk.reuters.com/article/uk-myanmar-rohingya-un-idUKKBN15I165>.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Myanmar President Office, “Establishment of the Advisory Committee on Rakhine State”, 23 August 2016, <http://www.president-office.gov.mm/en/?q=issues/rakhine-state-affairs/id-6535>; Mike Ives, “Kofi Annan, in Myanmar, Voices Concern Over Reported Abuses of Rohingya”, *New York Times*, 6 December 2016, <http://www.nytimes.com/2016/12/06/world/asia/kofi-annan-myanmar-rohingya.html>.

<sup>17</sup> Myanmar President Office, “Interim Report of the Investigation Commission on Maungtau”, 3 January 2017, <http://www.president-office.gov.mm/en/?q=issues/rakhine-state-affairs/id-7076>

<sup>18</sup> SR Report, *supra*, n. 5.

#### **IV. Recommendations**

Human Rights Now is gravely concerned reported killings, disappearances, forced displacements, torture and inhuman treatment, rapes and other sexual violence, arbitrary detention, destruction of property, and other human rights violations carried out against the Rohingya people by Myanmar security forces, particularly concern that nature of violations are wide spread and systematic, which may constitute crimes against humanity. We are dismayed at the Myanmar government's past denials and failures to investigate alleged crimes.

Having received the OHCHR report and acknowledge the magnitude of human rights violations, the international community must engage with its findings and take steps to ensure that the perpetrators are held accountable and end all abuses immediately.

Human Rights Now makes the following calls and recommendations.

1. To the Myanmar government:
  - 1) Take steps to immediately end the “area clearance operation” and all violence and rights abuses against Rohingya in Rakhine State.
  - 2) Ensure full and unencumbered humanitarian access to the entirety of Rakhine State per its commitments.
  - 3) Investigate alleged crimes committed during the area clearance operation and call on the military to prosecute perpetrators.
  
2. To the Human Rights Council:
  - 1) Hold a special session to discuss the situation in Rakhine State or discuss the situation in Rakhine State in the regular session in March.
  - 2) Adopt a resolution including:
    - Supporting the findings of the latest OHCHR Report,
    - Condemning the human rights violations in Rakhine State,
    - Strongly calling on Myanmar authorities to take immediate steps to bring an end to the violence,
    - Establishing a Commission of Inquiry to conduct a comprehensive investigation in Rakhine State as a step to ensure accountability, and
    - Continuing the mandate of the UN Special Rapporteur on the situation of human rights in Myanmar under Agenda Item 4.
  
3. To the United Nations Security Council:
  - 1) Hold an emergency session to discuss the situation in Rakhine State and to call for the immediate cessation of violence and human rights violations.