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Human rights situations that require the Council's attention

Written statement* submitted by Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Human Rights Now Strongly Calls on Myanmar to End All Serious Human Rights Violations in Rakhine State and Calls for a Commission of Inquiry to Investigate Reported Violations

1. Summary

Human Rights Now (HRN), a Tokyo-based international human rights NGO, is gravely concerned about the recent human rights situation in Rakhine State by Myanmar security forces, and strongly calls on the Myanmar military to cease all human rights violations against the Rohingya. We call for a Commission of Inquiry to be dispatched to investigate reported violations. HRN is also concerned about continuing human rights violations against civilians by the Myanmar military in the Kachin conflict and about the security of human rights defenders following rights lawyer Ko Ni's assassination.

2. Human Rights Violations Against Rohingya

Following an armed attack against Myanmar border police posts in 9 October 2016, Myanmar military and police placed a large area of Rakhine State, containing predominantly Rohingya villages, under a lockdown and began what has been reported as a massive, violent, and systematic "area clearance operation" against Rohingya residents. Over 66,000 Rohingya have fled into Bangladesh, and 22,000 internally displaced during the operation.¹

On 3 February 2017, the OHCHR mission to Bangladesh published a report of accounts by over 200 Rohingya which fled the lockdown zone into Bangladesh after October 9. The accounts detail serious human rights violations by Myanmar security forces, including mass killings, enforced disappearances, widespread beatings and torture, rape and sexual violence, arson of Rohingya villages and other destruction of property, and arbitrary mass detentions. Each violation was witnessed by an average of 51% of the interviewed Rohingya, and was supported by photographs of injuries, interviews with UN officials and medical staff which treated injuries, satellite photographs of burned Rohingya villages, and other evidence.²

The 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)."³

UN High Commissioner for Human Rights Zeid Ra'ad Al-Hussein condemned the reported violence as "devastating cruelty" and called for Myanmar to immediately stop human rights abuses

¹ 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 ("OHCHR Report").

² *Id.*, at 9-10 (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.)

³ OHCHR Report, *supra* n. 2, at 42.

against Rohingya, an immediate end to its operation, a robust reaction by the international community, and an international commission of inquiry.⁴ Following the report, Aung San Suu Kyi, head of Myanmar's ruling party, told al-Hussein "that an investigation will be launched", "that they would require further information" for which she requested UN assistance, and also that she did not deny the reports.⁵

Past initiatives by the Myanmar government have proven insufficient, however. Former UN Secretary General Kofi Annan, who chairs an Advisory Committee on Rakhine State established by the government in August 2016, expressed concern about the Myanmar government's lack of transparency on reports of violence against Rohingya in a December 2016 statement.⁶

An Investigation Commission on Maungtau, established by the Myanmar president, issued an interim report in January 2017 denying allegations of human rights violations and genocide.⁷ UN Special Rapporteur on the situation of human rights in Myanmar Yanghee Lee also noted that, despite being generally granted access to the region during her visit, she was concerned about the government's denials of rights abuses despite evidence to the contrary.⁸

3. Human Rights Violations in the Kachin Conflict

HRN is also concerned about continuing reports of human rights violations in the Kachin conflict, which include areas of Kachin and northern Shan states. Despite pledges for a peace process, the Myanmar military has escalated its conflict in these areas with helicopter gunships, heavy artillery, and other sophisticated weapons.⁹ In December 2016, there were reports that the Myanmar military bombed churches, schools, and other non-military targets in northern Shan State.¹⁰ Bombing of Kachin IDP camps and villages in Kachin state in January led to over 6,000 IDPs, 4,000 of whom reported tried to flee into China on January 11 and were forced to return by Chinese security forces.¹¹ The government also barred Special Rapporteur Lee from visiting conflict areas in western Kachin state.¹²

⁴ 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>.

⁵ 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>.

⁶ 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>.

⁷ 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>

⁸ 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").

⁹ Bertil Lintner, "Kachin war explodes Myanmar's peace drive", 19 Jan. 2017, Asia Times, <http://www.atimes.com/article/kachin-war-explodes-myanmars-peace-drive/>.

¹⁰ Daniel Maxwell, "Kachin State: Thousands of civilians unable to escape conflict", Asian Correspondent, 25 Jan 2017, <https://asiancorrespondent.com/2017/01/kachin-state-thousands-civilians-unable-escape-conflict/>.

¹¹ Joint Strategy Team, "Current Humanitarian Situation Update in Kachin State, 25th January 2017", <http://www.burmalink.org/current-humanitarian-situation-update-kachin-state-25th-january-2017> (Joint Strategy Team is a network of nine Kachin-based NGOs); Id.

¹² Lintner, *supra*, n. 9.

4. Protecting Human Rights Defenders

On 29 January, 2017, the human rights lawyer Ko Ni, who worked on Muslim rights and Myanmar's constitutional reform to bring the military under civilian control, was assassinated in Yangon. HRN is concerned that the assassination will have a significant chilling effect among human rights defenders in Myanmar without a strong response by the Myanmar government to conduct an investigation, prosecute perpetrators, and ensure that the security and freedom of expression of human rights defenders and lawyers is guaranteed in conducting their vocal human rights work.

5. Recommendations

Human Rights Now is gravely concerned by the deteriorating human rights situation in Myanmar. We are particularly concerned by the 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, and that the violations are wide spread and systematic, which may constitute crimes against humanity. We are also dismayed at the Myanmar government's past denials and failures to investigate alleged crimes.

International community must take appropriate measure to prevent massive human rights violations in Myanmar and ensure that the perpetrators of heinous crimes are held accountable.

Human Rights Now makes the following calls and recommendations.

1) To the Myanmar government and military:

- Immediately end military activity and rights abuses against Rohingya in Rakhine state and civilians in the Kachin conflict;
- Ensure full access to all of Rakhine, Kachin, and Shan states for humanitarian and international organizations providing necessary aid and investigating reports of human rights violations;
- Investigate reported crimes and human rights violations and call on the military to prosecute perpetrators;
- Support a process of constitutional reform to bring the military under control of the civilian government;
- Conduct a thorough investigation of Ko Ni's assassination, prosecute any perpetrators, and take steps to ensure the security and freedom of expression of human rights defenders and lawyers.

2) To the Human Rights Council:

- Adopt a resolution including:
 - Supporting the findings of the latest OHCHR Report on the situation in Rakhine state,
 - Condemning human rights violations in Rakhine State,

- Strongly calling on Myanmar authorities to take immediate steps to bring an end to violence in Rakhine State,
- 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.