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Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

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

[18 August 2017]

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

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MYANMAR: International intervention required to stop ethnic cleansing against Rohingya people

The Asian Legal Resource Centre (ALRC) and ODHIKAR - Coalition for Human Rights wishes to bring the situation of the Rohingya community of Rakhine state of Myanmar to the notice of the United Nations Human Rights Council. The ALRC and Odhikar seek immediate, effective action from the international human rights community to protect the victims of Rohingya Muslim community from ethnic cleansing by the military and security forces of Myanmar.

The Rohingya people are the Muslim minority community who live in the western region of Myanmar's Rakhine state. They are the victims of gross human rights violations, including mass killings, enforced disappearances, torture, rape and arson attacks. Their fundamental human rights are being completely denied to evict them through a brutal process from their own land, where they have been living almost thousand years. Such crimes against humanity by the Myanmar government escalated when General Ne Win assumed power in 1962. This has continued in the government of Aung San Suu Kyi.¹

The Myanmar government has conducted several security operations in the past few decades in the Rohingya-majority areas of Rakhine state of Myanmar. After an incident of militants attacks on 9 October 2016 at a border check-post in Rakhine state, that killed nine policemen,² the Myanmar government started a "clearance operation" in the Rohingya villages in search of the 'militants', who were allegedly Rohingya Muslims. During this operation, security forces also killed and raped Rohingya women and committed a massacre of Rohingyas.³ The security forces and Buddhist extremists have relaunched wide spread atrocities against the Rohingya at the time of writing this submission to the Human Rights Council.

The ALRC's partner Odhikar interviewed over 100 of the Rohingya victims in Bangladesh in 2017 and has documented their experiences in Myanmar. The victims narrated how they had been violated, their family members tortured, killed and disappeared and their houses torched. Testimonies of the survivors confirm that a good number of girls were gang-raped and killed by the security forces and their associated criminals. Rohingya women were raped in front their children and husbands, girls were raped in front their parents and several girl and women were held as sex slaves in the military camps for days. Some of those, who resisted rape, were killed. Victims and witness testimonies given to Odhikar shows shocking incidents of the brutality of Myanmar's security forces. This could be witnessed in the following emblematic cases of massacre against the Rohingya people, particularly women and children.

Miss Parvin, a-12-year old girl said that, after a month of the October 2016 militant's attack on Myanmar police, she was taken to a classroom of a local school by the military and was detained there. There were five more girls detained in that school. The military personnel raped the girls for three days. They also beat Parvin when she tried to resist the military, resulting in serious injuries. After three days, she could manage to return home. At night, the military came to her house again and shot her father to death.

Ms. Amena said that in the second week of November 2016, at midnight, military dragged her with her 7-month old child to a classroom at a local school. There, seven army soldiers raped her until she lost consciousness. After regaining consciousness, she found herself in a paddy field and her child was missing.

Ms. Mostofa Begum said that in the last week of December 2016, at night, the military set fire to her daughter's house, while her daughter Sajan, grandson Mohammad Jabber (7), Mohammad Saber (6), Mohammad Shaker (4) and two-month old Mohammad Shahab were sleeping. They could not get out of the house and all of them were burnt to death.

1 See <http://pulitzercenter.org/reporting/bangladesh-plight-rohingya>

2 See <http://www.bbc.com/news/world-asia-37601928>

3 Victims' testimonies given to Odhikar

According to the victims' testimonies, a section of the local Rakhine Buddhist extremists joined the Myanmar soldiers and the police during the raids and the men also looted Rohingya households and torched the houses. The Buddhist extremists also killed many Rohingyas in the presence of Myanmar security forces.

Ms. Aziba Begum told Odhikar that on 13 November 2016 local Buddhist extremists killed her son Mohammad Faruk and another man from neighbouring village, in front of her. Ms. Amid Jahan informed that two days before the military operation took place in her village, in the last week of December 2016, her husband Mohammad Hossain, a school teacher, was arrested by Myanmar security forces. She went to the military camp to search for him, but could learn nothing about his whereabouts.

It is a matter of grave concern that the Myanmar government has been repeatedly denying all the allegations against its security forces for committing genocide on the Rohingyas. Mrs. Aung San Suu Kyi and her government has shown indifference to the Rohingya community. She stated that the Rohingya militants had attacked the police, so an operation against terrorists is underway.⁴ Unfortunately, on the pretext of 'security', no national or international media or human rights group was allowed to access that region.⁵

The UN Human Rights Council, on 30 May 2017, appointed a three-member team to investigate the allegations of killings, rape, and torture by security forces against Rohingya Muslims in the Rakhine state. The Myanmar government refused to grant them visas, saying that it would not let the outside world investigate Rohingya 'crimes against humanity' claims.⁶ They also claimed that a UN report published on 3 February 2017 that mentioned that security forces instigated a campaign that 'very likely' amounted to crimes against humanity and possibly ethnic cleansing is exaggerated. The country's own 13-member investigation team – led by former head of military intelligence and now vice president, Myint Swe – has been dismissed by human rights monitors as lacking independence to produce a credible report.⁷

The Myanmar Army surrounded the affected area so that no relief could enter. Rohingyas are living in inhuman conditions without proper shelter and adequate food. Many of the Rohingya people have fled their homes in fear and taken shelter in the jungle. In addition to this, more than 70,000 Rohingyas fled into Bangladesh avoiding the strict surveillance of the Border Guard Bangladesh (BGB).⁸ In Bangladesh, a very small number of Rohingyas got shelter in registered refugee camps. But large numbers are living in unregistered refugee camps and in the open across the Cox's Bazaar district of Bangladesh. A few organisations are trying to provide them relief but there are also restrictions from the Bangladeshi authorities that no one could help Rohingya refugees without permission of the government.

The available information, substantiated by the victims, suggest that such attacks and violence are part of the process of elimination of the Rohingyas from Myanmar and the Myanmar government is directly responsible for the crimes. It is a matter of deep concern regarding the ethnic cleansing on the Rohingya community. There is nothing to justify such systematic and coordinated "crimes against humanity" on a people, over their ethnicity and religion, in the name of national security. The extreme form of militarization for five and half decades that have destroyed the wreckage of the justice institutions in Myanmar. Today, there is no institution left for providing effective remedy to the victims under the domestic lawless situation while Aung San Suu Kyi's government is complicit to the atrocities.

The realities suggest that the Rohingya victims have no resort to seek redress or protection unless the international community intervenes. The international community, including the UN, must stand beside the Rohingya victims of genocide and crime against humanity. The Myanmar government is unwilling to respond to allegations of "crimes

⁴See <http://www.bbc.com/news/world-asia-38756601>

⁵ See <https://www.hrw.org/news/2016/11/17/burma-allow-access-investigate-abuses-rakhine-state>

⁶See <http://www.independent.co.uk/news/world/asia/burma-aung-san-suu-kyi-refuse-entry-un-resolution-investigation-rohingya-genocide-a7816481.html>

⁷See: <http://www.newagebd.net/article/21422/myanmar-rejects-allegations-of-human-rights-abuses-against-rohingya>

⁸ End of Mission Statement by Special Rapporteur on the situation of human rights in Myanmar, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21232&LangID=E>

against humanity". It did not pay heed to any call to cooperate with a UN mission charged with probing alleged abuses by military and security forces against the minority Rohingya community.⁹

The international community should not fail to stop the ongoing crimes against humanity on the Rohingya people. The Human Rights Council should have already understood that mere condemnation is not enough. An International Fact-Finding Mission with broader mandate and wider independence is urgently needed for reporting to the Human Rights Council and other UN Mechanism. The findings of the Fact-Finding Mission should lead the international bodies to facilitate necessary humanitarian and repatriation process. The international community should be able to put adequate pressure upon the Myanmar government so that they immediately refrain from committing the crimes. No further State-orchestrated violence and prejudice should take place. The United Nations have undeniable responsibility for taking effective punitive action against the military and security forces of Myanmar.

⁹See <http://www.independent.co.uk/News/world/asia/burma-rohingya-muslims-un-rights-council-mission-us-ambassador-nikki-haley-stand-together-violence-a7834671.html>