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Written statement* submitted by Maat for Peace, Development and Human Rights Association, 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.

[03 June 2019]

* Issued as received, in the language(s) of submission only.



Human rights violations in Myanmar

Preface

The Universal Declaration of Human Rights recognizes that all human beings are equal in rights and dignity without any discrimination on grounds of race, religion or national origin. The International Convention on the Elimination of All Forms of Racial Discrimination also states that discrimination between people on grounds of race, color or ethnic origin constitutes an obstacle to friendly and peaceful relations between nations and it would disturb the peace and security among people and disturb the harmony between people living side by side even within a single State.¹ The International Covenant on Civil and Political Rights, in its second article, recognizes the need for States to ensure respect for and protection of the rights recognized and guaranteed by all individuals within and under their jurisdiction without any discrimination on grounds of race, color, sex, language, religion, opinion or origin.²

Under these Articles, States parties are obliged to respect and ensure the human rights of citizens and non-citizens residing in their territory. Although the Myanmar authorities have not taken any steps to accede to the above-mentioned treaties, Maat Foundation for Peace, Development and Human Rights believes that the fact that the State is a party to these conventions and other human rights conventions cannot be an excuse for violations or practices that violate them Human rights or the practice of discrimination on any basis. Maat calls on Myanmar authorities to cease all reprisals and persecution against the Rohingya minority since 2017.

The Burmese security forces are committing numerous violations against the Rohingya minority, including denial of basic rights, murder, sexual violence and in particular widespread rape, enforced disappearances, destruction and looting, which all amount to crimes against humanity. Maat therefore demands the referral of the human rights situation in Myanmar to the International Criminal Court, and that is for the fear of impunity of the perpetrators, especially under the opposing allegations of the authorities in Myanmar what is stated.

Attacks against civilians

On August 25, 2017, the Myanmar army launched several horrific attacks against the Rohingya in Rakhine State. These attacks killed at least 10,000 people, destroyed more than 37,000 houses of the Rohingya, and displaced 750,000 people to the neighboring Bangladesh. The United Nations report concluded that the crimes committed in the states of Kachin, Rakhine and Shan all amounted to crimes against humanity, because there were indications that they were committed within and as part of a widespread and systematic attack directed against the civilian population.³

In January 2018, clashes broke out between the Myanmar Army and the Kachin Independence Army in several towns in Kachin State, and the army used air strikes and heavy artillery shelling. More than 3,500 civilians were trapped, trying to escape the fighting, some for more than two weeks, without adequate food or basic supplies. Violence resumed in Kashin in April. The government's shelling and air strikes killed at least 10

¹ For further information, please refer to the International Convention on the Elimination of All Forms of Racial Discrimination, Available at:

<https://www.ohchr.org/AR/ProfessionalInterest/Pages/CERD.aspx>

² For further information, please refer to the International Covenant on Civil and Political Rights, Available at: <https://www.ohchr.org/AR/ProfessionalInterest/Pages/CCPR.aspx>

³ UN report calls for investigation of Myanmar army generals on genocide and war crimes charges, UN News, 18 September 2018, Available at: <https://news.un.org/ar/story/2018/09/1017042>

civilians and forced nearly 2,000 people to flee to the jungle, where they were stranded for almost a month without access to aid, in desperate conditions.⁴

Sexual violence

The Burmese security forces have committed sexual violence against the Muslim minority, in particular widespread and systematic rape of individuals and groups against women and girls, as well as acts of violence, cruelty and humiliation as part of ethnic cleansing, particularly in Rakhine State. Several relief organizations in Bangladesh have reported hundreds of cases of rape, with only a small proportion of those raped, with the majority reluctant to report sexual violence for the fear of being killed.⁵

Most rape cases were committed during an army attack on Rohingya villages or during raids and searches of security forces. Women and girls were taken in groups that were raped in empty houses or even raped in a mosque, either individually or collectively. The forces have not only been raped but often combined with other acts aimed at causing more harm and humiliation to the victims, such as beatings, burning, kicking and torture.⁶

Refugees and displaced persons

Due to the violence and ethnic cleansing carried out by the official authorities in Myanmar, more than 14,500 Rohingyas fled to Bangladesh between January and November 2018, joining about one million others who fled the crisis in 2017 and previous years in temporary and overcrowded camps. The situation is also bad for the 600,000 Rohingyas that are still in Rakhine State. Refugees who arrived in Bangladesh in 2018 reported continuing violations by security forces in Myanmar, including killings, arson, forced disappearances, extortion, severe restrictions on movement, food and health care shortages. They also reported sexual violence and abduction of women in villages and checkpoints along the road leading to Bangladesh. Returnees to Myanmar also face arrest and torture by the authorities. More than 4,500 Rohingyas remain stranded on the border between Bangladesh and Myanmar, and are regularly harassed and threatened by Myanmar authorities via loudspeakers to force them to cross into Bangladesh;⁷ Despite the limited security environment in the camps in Bangladesh, more than 200,000 refugees need to move to other places because current places are more vulnerable to flooding and landslides.⁸

Discrimination and apartheid

The authorities in Myanmar exercise discriminatory and apartheid policies against the Rohingya minorities, as they are considered illegal immigrants from Bangladesh. Whereas authorities restrict all aspects of life to Rohingya citizens in the state of Arakan as they restrict their lives to isolated neighborhoods with almost no health care or education, with restrictions to also leaving their villages. Maat Foundation therefore considers that the current situation in the inhabited Rohingyas' states fits all the conditions necessary for the legal definition of the crime of apartheid against humanity. The Burmese Government is determined to make the life of the Rohingyas as miserable and humiliating as possible, and the brutal campaign of ethnic cleansing carried out by the security forces in the first three

⁴ 2019 Annual Report, Human Rights Watch, Available at: <https://www.hrw.org/ar/world-report/2019/country-chapters/325893>

⁵ Large-scale rape of Rohingya women and girls, Human Rights Watch, November 16, 2017, Available at: <https://www.hrw.org/ar/news/2017/11/16/311479>

⁶ A report entitled "We Will Destroy Everything: The Army's Responsibility for Crimes Against Humanity", Arakan-Myanmar State, Amnesty International, 2018, p. 7, Available at: <https://www.amnesty.org/download/Documents/ASA1686302018ARABIC.PDF>

⁷ Annual Report 2019, op. Cit 4.

⁸ Report on the United Nations News website, 2 July 2018, Available at: <https://news.un.org/ar/story/2018/07/1011922>

months of the beginning of the crisis is yet another dramatic manifestation of this appalling situation.⁹

From January to March 2018, at least 34 villages from Myanmar were completely or partially destroyed, bringing the total number of villages in Rohingya that were destroyed between August 2017 and March 2018 to 392 villages, most of them were burned. The government also seized dozens of Rohingya villages and bulldozed them, with the aim of blurring evidence of crimes.¹⁰

Deprivation of civil and political rights

Myanmar's authorities violate all the political and civil rights of the Rohingya minority, especially in Myanmar's lack of legal rights, as the 1982 Citizenship Act effectively deprived Rohingyas of citizenship on the basis of their ethnic affiliation. The Myanmar authorities deliberately pursued deliberate measures to strip the Rohingya of the most basic forms of identity. Ever since 2016 the Government has tightened registration procedures on the Rohingya family lists so that they cannot prove their residence in Myanmar, as well as being removed from official records.¹¹

The authorities in Myanmar also severely restrict the freedom of movement of Rohingya citizens between cities where they require official permission to move between cities, which has led to the inability of the majority of the population to seek employment, in addition to burning the Burmese security forces to the Rohingya markets, which exacerbated their crisis, especially in light of the obstruction of humanitarian food access to the besieged areas.¹²

Human rights reports documented the army planting landmines along the northern part of the border with Bangladesh, injuring at least three people, including two children with serious injuries, as cases of amputations and high death rates have increased among those fleeing Myanmar to Bangladesh for fear of acts Violence.¹³

Recommendations

- The international community, especially the United Nations, needs to press the Government of Myanmar to stop the violence against the Rohingya minority, investigate the violations committed and promptly bring the perpetrators to justice.
- To allow the United Nations observers, the Commission of Inquiry and human rights investigators to come to the country to assess the status quo, and to allow the entry of independent observers and media representatives.
- To allow the Rohingya refugees to return home voluntarily, safely and with dignity, and the Government of Myanmar must make every effort to rebuild communities and villages destroyed during the conflict and to end the practices of discrimination and apartheid against the Rohingya.

⁹ Rohingyas are trapped in a segregated apartheid regime of humanity, Amnesty International report, November 21, 2017, Available at: <https://www.amnesty.org/ar/latest/news/2017/11/myanmar-rohingya-trapped-in-dehumanising-apartheid-regime>

¹⁰ Annual Report 2019, op. Cit 4.

¹¹ Rohingyas are trapped in a racist apartheid regime, a report by Amnesty International, 21 November 2017, Available at: <https://www.amnesty.org/ar/latest/news/2017/11/myanmar-rohingya-trapped-in-dehumanising-apartheid-regime>

¹² A report entitled "We Will Destroy Everything: The Army's Responsibility for Crimes Against Humanity", Arakan-Myanmar State, Amnesty International, 2018, p. 7, Available at: <https://www.amnesty.org/download/Documents/ASA1686302018ARABIC.PDF>

¹³ New landmine explosions indicate intentional targeting of Rohingya, Amnesty International, 10 September 2017, Available at: <https://www.amnesty.org/ar/latest/news/2017/09/myanmar-new-landmine-blasts-point-to-deliberate-targeting-of-rohingya>

- Extend the existing arms embargo to include all military sales, assistance and cooperation and prohibit financial transactions with major Burmese army owned companies.
 - The need to refer the situation in Myanmar to the International Criminal Court to prevent the perpetrators of international crimes from impunity.
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