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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Human rights situations that require the Council's attention

Written statement* submitted by Jubilee Campaign, 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.

[28 May 2021]

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



The Military Coup, Extrajudicial Killings, and the Rohingya Minority at a Crossroads

Jubilee Campaign would like to raise to the Council's attention the humanitarian situation taking place as a result of the February 2021 military coup d'état by the Tatmadaw, especially with regards to the coup's implications for the Rohingya minority community both within and outside of Myanmar.

The Coup D'état and Extrajudicial Killings

Following 1 February 2021, when the Tatmadaw officially seized power and ousted the government of President U Win Myint, including State Counsellor Aung San Suu Kyi whose civilian National League for Democracy (NLD) party had won the election, they explained that a national state of emergency would last for one year, and also restricted telephone and internet services in numerous locations throughout the country.¹ The Tatmadaw, who refused to recognize the outcome of the election it groundlessly deemed "fraudulent", detained multiple NLD officials, including numerous cabinet and chief ministers, and announced the takeover via its Myawaddy television network.

In response to the abrupt and undemocratic military coup, hundreds of thousands of Burmese civilians have participated in largely peaceful protests, especially the capital Yangon. By 9 February, however, the demonstrations turned deadly – a video circulated on social media showed Burmese police shooting 19-year-old protester Mya Thwate Thwate Kaing as she was standing near a bus shelter; she then spent her 20th birthday in the hospital in a vegetative state before passing away on 19 February.² The next day, security forces shot dead two peaceful protesters, one of which was a 16-year-old boy. By far the deadliest day was 27 March, when police shot and killed 114 civilians, including seven children among which there was a 5-year-old boy, a 10-year-old girl, two 13-year-old boys, and a 14-year-old girl.³

While Myanmar has neither signed nor ratified the numerous international accords which the above human rights violations would be inadmissible under – such as the International Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, and the International Covenant on Civil and Political Rights – acts such as extrajudicial killings of minors violate the child's "inherent right to life" protected in the Convention on the Rights of the Child, which Myanmar ratified in 1991.⁴ Save the Children estimates that no fewer than 43 children have been killed by the military and security forces since the 1 February coup.⁵

The Implications for the Rohingya

For the predominantly Muslim Rohingya minority both within and outside of Myanmar, the military coup has devastating implications. Currently, there are approximately 140,000 Rohingya residing in displacement camps with strict curfews in Myanmar's Rakhine State; those outside of the camps experience an "apartheid system" where they cannot travel freely, find educational or career opportunities, or access health care due to refusal of the

¹ Russell Goldman, "Myanmar's Coup and Violence, Explained", The New York Times, 24 April 2021.

² Richard C. Paddock, "Myanmar Security Forces Open Fire on Protesters, Killing 2", The New York Times, 20 February 2021.

³ Richard C. Paddock, "Images From a Deadly Weekend of Protests in Myanmar", The New York Times, 27 March 2021.

⁴ UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577.

⁵ BBC News, "Myanmar coup: More than 40 children killed by military, rights group says", 1 April 2021.

government to provide them legal citizenship.⁶ At the same time, nearly one million Rohingya refugees are seeking refuge from persecution by escaping to neighboring Bangladesh, where they are similarly discriminated and where displaced people's encampments are surrounded by barbed wire. Bangladesh Minister of Foreign Affairs AK Abdul Momen in mid-April expressed hopes that the Association of South East Asians (ASEAN) would pressure Myanmar to accept repatriated Rohingya refugees, as they "should go back to their home for a decent living."⁷

However, it is unlikely at best and impossible at worst that Rohingya would be able to safely return to Myanmar without fearing for their lives amidst the military coup. The Tatmadaw, which has taken over leadership of the country and all of its infrastructure, is the same military that in 2017 embarked on a genocidal campaign against the Rohingya minority group. Moreover, military chief Min Aung Hlaing, who is currently the de facto leader of Myanmar following the coup, has referred to the Rohingya as "unfinished business" from World War II, when they allied with the British and fought against the Rakhine Buddhists.⁸ Numerous Rohingya diaspora and human rights organizations have expressed their devastating predictions that the Tatmadaw will soon begin to single out Rohingya for violence. Ro Nay San Lwin, co-founder of the Free Rohingya Coalition, stated the following:

"What we are worried about is that the military now is busy [with its] crackdown against protests across the country. When the situation is stable, it might launch another round of violence against the Rohingya and wipe out the remaining population."⁹

Kyaw Win, founder and executive director of Burma Human Rights Network, stated:

"If any of the ethnic armed groups in Rakhine engaged in conflict with the army, it could easily turn into a situation where the military used it as an excuse to kill and massively displace the remaining Rohingya."¹⁰

Rohingya refugees in Bangladesh realize that their safety and lives would likely be in jeopardy if they were to return to Myanmar; many have expressed that they will resist all repatriation efforts by the Bangladesh authorities. There is no indication that the Tatmadaw – who, four years ago, was killing them, raping their family members, and burning Rohingya communities to the ground – has changed its intentions, especially when we are now seeing its soldiers committing atrocities against peaceful protesters and the majority population.¹¹ In addition, the violence by the Tatmadaw towards other ethnic minorities continues unabated. Free Burma Rangers reports that killings and airstrikes by the military in northern Karen State have left 25,000 Karen people displaced, and that "they were attacked before the coup and they are being attacked now after the coup."¹²

Some Burmese anti-coup protesters have likened the current crackdown to that which the military launched on the Rohingya in 2017, and have expressed their regret for not having spoken up against the atrocities that took place four years ago against their fellow civilians.¹³ Still, some individuals have warned Rohingya both at home and abroad against involving themselves in the anti-military protests, as it may "further expose the Rohingya to Buddhist extremists in the military."¹⁴

⁶ Maria Sow, "Bleak Ramadan for Myanmar's Rohingya Muslims, in danger of further abuses by military, analysts warn", South China Morning Post, 18 April 2021.

⁷ Sumathi Bala, "Bangladesh calls on Southeast Asia to pressure Myanmar to take back the Rohingya refugees", CNBC, 19 April 2021.

⁸ Supra note 6.

⁹ Rikar Hussein, "Some Exiled Rohingya See a 'Rare Opportunity' in Myanmar Coup", Voice of America, 18 March 2021.

¹⁰ Supra note 6.

¹¹ Julhas Alam, "Rohingya refugees fear returning to Myanmar after coup", Associated Press, 2 February 2021.

¹² Free Burma Rangers, "Burma Update", 7 February 2021

¹³ Supra note 9.

¹⁴ Ibid.

The Rohingya face insecurity at every intersection. If they stay in Bangladesh, they may be interrogated and detained,¹⁵ or relegated to the refugee camp in Cox's Bazar where a massive fire ¹⁶ recently broke out and killed 15, harmed 560 in March 2021. If they return to Myanmar, they face the dangerous prospect of violence and persecution at the hands of the Tatmadaw.

Recommendations

Jubilee Campaign urges members and observer states of the Human Rights Council to:

1. Commend the establishment of the Interim National Unity Government and its Federal Democracy Charter, which pledges to protect the rights and equality of all ethnic nationalities, including minorities.

Jubilee Campaign urges members and observer states of the Human Rights Council to call upon the Republic of the Union of Myanmar to:

1. Immediately end the extrajudicial killings of and violence against peaceful protesters. Similarly, make a commitment to eradicate hostilities against Rohingya and other ethnic minorities.
2. Enact a swift return to power of the lawfully-elected National League for Democracy, and release all political prisoners of conscience, including detained members of the NLD.

¹⁵ Human Rights Watch, "Bangladesh: Rohingya Refugees Allegedly Tortured", 27 April 2021.

¹⁶ Lisa Schlein, "Massive Fire in Cox's Bazar Damages Rohingya Refugee Camp", Voice of America, 23 March 2021.