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Bearing Witness to Crimes against Humanity

The Forced Expulsion of the Rohingya from Myanmar

Following the violent expulsion of some 400,000 Rohingya in Myanmar in the course of three weeks (now more than 500,000), Refugees International (RI) President Eric Schwartz and Senior Advocate for Human Rights Daniel Sullivan traveled to Bangladesh to assess the situation and bear witness. This policy brief is based on that mission, which involved interviews with Rohingya refugees who recently arrived from Myanmar as well as with United Nations and Bangladesh government officials and international aid workers in Bangladesh. Schwartz and Sullivan visited a hospital in Cox's Bazar which treats recently arrived Rohingya from Myanmar, four makeshift settlements for Rohingya (Kutupalong, Balukhali, Thaingkhali, and Unchiprang) as well as border crossing areas and a “no-man's land” where many Rohingya have gathered between the borders of Myanmar and Bangladesh. This policy brief is largely adapted from testimony given by Sullivan before the House Foreign Affairs Subcommittee on Asia and the Pacific on September 27, 2017.¹

Summary

The Myanmar military has been executing a campaign of ethnic cleansing against the Rohingya people of Myanmar, marked by abuses that constitute crimes against humanity.

More than 500,000 Rohingya have fled their homes in the course of a month, approaching half of the entire Rohingya population that had been living in Myanmar up to a month ago. Vast swaths of villages have been burned by the Myanmar security forces and Rakhine Buddhist mobs. Rohingya refugees who have arrived in Bangladesh share consistent accounts of Myanmar soldiers surrounding villages, burning homes to the ground, stabbing, shooting, and raping the inhabitants, leaving the survivors to flee for their lives.

The Rohingya have faced decades of persecution, but the violence and large-scale displacement have intensified in recent years. The current crisis that began just over a month ago is of an entirely new scale and level of inhumanity. The current campaign began after attacks on 30 security posts in Rakhine

State in western Myanmar and the killing of 12 Myanmar security officials by poorly armed Rohingya insurgents, but the military's response to those attacks has been grossly disproportionate and has broadly targeted the Rohingya civilian population. Many people from other ethnic groups, including Rakhine Buddhists and Hindus have been displaced and killed as well, reportedly in attacks by Rohingya insurgents, but the attacks on other groups has been nowhere on the scale of the attacks on the Rohingya.

The outflow of half a million Rohingya has also created a humanitarian crisis in Bangladesh as existing capabilities have been overwhelmed. To its credit, the Bangladesh government has generally welcomed the Rohingya refugees, but much more international assistance is needed to address the still growing humanitarian crisis. Ultimately, the root causes of the crisis will have to be addressed by bringing pressure on the Myanmar government that has continued policies of persecution and on the Myanmar military that has carried out egregious human rights abuses.

Background

The Rohingya people have faced decades of persecution in Myanmar. Despite historical roots in western Myanmar stretching back generations, the Myanmar government has refused to recognize the Rohingya people as citizens. Rendered stateless as a result, the Rohingya have been denied the basic protections enjoyed by Myanmar citizens. The past military regimes of Myanmar have placed severe restrictions on the basic freedoms of the Rohingya to marry, have children, practice religion, work, or to move freely. They have even been denied the right to self-identify, as the Myanmar government refuses to recognize “Rohingya” as a distinct ethnic group.

Despite much lauded democratic reforms in recent years – including the release of Nobel Prize Laureate Aung San Suu Kyi from house arrest and her ascension to become de facto leader of the country after the National League for Democracy (NLD) victory in the November 2015 elections – conditions for the Rohingya have deteriorated. In 2012, violence erupted between Muslim Rohingya and local Rakhine Buddhists, overwhelmingly displacing some 140,000 Rohingya within Myanmar. Some 120,000 Rohingya remain displaced within Myanmar today, largely

confined to squalid displacement camps described as ‘open air prisons’ (some of which have reportedly been destroyed by the Myanmar military in recent weeks). Tens of thousands of Rohingya have sought to escape conditions in Myanmar by sea in recent years, with hundreds of Rohingya refugees or more drowned. This captured the world’s attention in May 2015 with the Andaman Sea crisis in which thousands of Rohingya and Bangladeshis were abandoned on rickety boats by human traffickers. For further background see RI’s past reports on the Rohingya.²

In September 2016, in a welcome move, Aung San Suu Kyi created an international advisory commission on Rakhine State, led by former UN Secretary General Kofi Annan. The Commission’s final report was released on August 24, 2017, and contained a range of constructive recommendations, including calls for unfettered humanitarian access, safe returns for refugees, reform of Myanmar’s citizenship laws, and establishment of an “independent and impartial investigation” to ensure “that perpetrators of serious human rights violations are held accountable”.³ The final report was even endorsed by Aung San Suu Kyi. However, any hope for progress was short-lived.



Rohingya refugees outside Balukhali makeshift settlement in Bangladesh, gathering for aid distribution.

The Current Crisis

Starting late last year, the situation took a decided turn for the worse. In October 2016, an insurgent group of Rohingya, calling itself the Arakan Rohingya Salvation Army (ARSA), emerged publicly with an attack on border guard posts that left nine police officers dead. The insurgents attacked largely with knives, sling shots, and some firearms. The response by the Myanmar military was grossly disproportionate, with widespread targeting of the Rohingya civilians, indiscriminately inflicting severe human rights abuses upon them, including torture, arbitrary execution, and mass rape. Some 87,000 Rohingya would flee to Bangladesh in the next few months. The Office of the United Nations High Commissioner for Human Rights carried out interviews with Rohingya who fled to Bangladesh in 2016 and concluded that the abuses taking place likely amounted to crimes against humanity. The UN Human Rights Council then established a fact-finding mission to investigate further, but the Government of Myanmar said it would not cooperate or allow investigators access to the country.

The current crisis began on August 25 of this year, a day after the Annan Commission report was released, when new attacks by ARSA on some 30 police posts and an army base led to a wildly disproportionate

military response against the broader Rohingya civilian population. Like ARSA's October attacks, ARSA's August attacks were carried out largely with knives, sticks, and homemade weapons. Twelve police officers were killed, along with dozens of insurgents, according to the Myanmar government.

Other minority groups in Rakhine State, including Rakhine Buddhists and Hindus, have also been displaced and killed, many reportedly by ARSA insurgents, but nowhere on the scale of the Rohingya. More than 500,000 of the just over a million Rohingya living in Myanmar (as of last month) have now been displaced. Hundreds, if not thousands, have been killed.

Given that access to Rakhine State remains heavily restricted, it is difficult to get a completely accurate picture of the human rights abuses taking place. But through conversations with Rohingya who recently arrived in Bangladesh, with government and UN officials, and with aid workers on the scene, combined with detailed reports from credible human rights organizations and from satellite and credible video evidence, RI has a strong understanding of what is happening on the ground in Myanmar.

An Unfolding Tragedy of Historic Proportions

The accounts heard by RI researchers were devastatingly consistent. According to numerous eyewitness accounts, Myanmar soldiers have surrounded villages, setting homes on fire with various types of incendiary devices, and indiscriminately shooting at those who fled. RI met with victims with burn wounds, bullet wounds, shrapnel wounds, and wounds consistent with sexual assault. In some cases, ethnic Rakhine vigilantes have reportedly carried out these attacks. In a speech on September 19, Aung San Suu Kyi declared there had been no clearance operations or armed clashes since September 5, but information from several credible sources, including from the human rights community and from within the U.S. government, indicate that attacks on Rohingya villages continued much later than that.

Numerous similar accounts have been collected by groups like Human Rights Watch, Amnesty International, and Fortify Rights.⁴ The Arakan Project, a group with a network of monitors throughout Rakhine State, has described the attacks as systematic.⁵ Sometimes the attacks involve soldiers destroying the villages, sometimes it is local ethnic Rakhine vigilantes setting the fires, and other times it is a mix of the two. Satellite images show clear patterns of destruction, with vast swaths of burned villages falling in line with the accounts repeatedly told by Rohingya refugees; Rohingya neighborhoods burned to the ground while nearby non-Rohingya neighborhoods remain untouched. While the Myanmar government claims that the fires were started by the Rohingya themselves, officials provide no proof of this alle-



Lila's Story

Lila, a Rohingya woman who fled Myanmar, told RI about her escape from the attack on her village. Her story is similar – and in some ways, nearly identical – to other accounts RI obtained. A 28-year-old mother of three daughters under the age of seven, Lila lived in Boli Bazar, a village in the Maungdaw district of Rakhine State in western Myanmar. She had arrived in Bangladesh just days before RI's visit in mid-September. Soldiers came to her village and began lighting the houses on fire. One soldier grabbed her by the arm and tried to drag her away but she managed to escape. After she fled the burning village, her husband told her to take their three daughters and go ahead without him, while he went to the village to retrieve the family's cows. He told her he would follow soon and meet her in Bangladesh. So Lila fled across the border, at times hiding for long periods in water with her three small girls. Ultimately, Lila reached one of the sprawling and rapidly emerging makeshift camps in Bangladesh. A few days after Lila arrived in Bangladesh, neighbors arrived with the news that her husband's body had been found floating in a river, with a gunshot wound through the back of his head.

gation – which is refuted by numerous first-hand accounts of the refugees. The Government of Myanmar also refuses access to any outside observers, most notably the fact-finding mission established by the UN Human Rights Council to investigate similar abuses widely reported in the last months of 2016.

The Border Guard Patrol officers in Bangladesh have described hearing and seeing what they determined to be mortar fire in areas where fleeing civilians had congregated. The Government of Bangladesh has lodged official complaints about the laying of land mines along the Myanmar side of the border.⁶ And RI has received credible reports that those land mines are being laid further inside the country around Rohingya villages.⁷

What the hundreds of thousands of Rohingya fleeing to Bangladesh describe are no less than crimes against humanity perpetrated by a military that already possesses a troubling track record of human rights abuses. As a result, the UN High Commissioner for Human Rights has concluded that “a textbook example of ethnic cleansing” appears to be unfolding.⁸ On September 5, RI reached the same conclusion, stating publicly: “Make no mistake: ethnic cleansing and crimes against humanity are taking place in the full view of the United Nations and governments of the world.”⁹

Humanitarian Crisis

The actions of the Myanmar military have also created a humanitarian crisis as aid efforts in Bangladesh – which was already home to 300,000 to 500,000 Rohingya who had fled past bouts of violence and persecution – have been quickly overwhelmed. When RI visited Bangladesh in May 2017, the government and international agencies were still grappling with the influx of some 87,000 Rohingya who fled the attacks that took place during the last months of 2016, including working to address poor conditions and humanitarian needs in the existing makeshift settlements which already housed tens of thousands of Rohingya refugees.

In a July 2017 report, RI documented the experience of the 87,000 Rohingya who fled to Bangladesh in the wake of the October 2016 attacks in Myanmar and examined the serious humanitarian challenges that refugee influx brought to Bangladesh.¹⁰ Among the challenges highlighted were inadequate shelter, unequal and inefficient aid distribution, and the rising risks of gender-based violence and human trafficking. All of this was before August 25 and before the population of Rohingya in the country effectively doubled in the course of a month.

The huge increase in the number of refugees in the few months since RI's last visit was startling. Masses of people lined the roads in and around new makeshift settlements popping up in real time. Women and children dragged bamboo poles and tarps, wading through ankle-deep mud to build new shelters. Hills and swaths of land that had been completely green were stripped and overrun by new arrivals, desperate for some kind of shelter from the steady rains of the monsoon season after days fleeing on foot.

The Government of Bangladesh, to its credit, has taken an overall welcoming stance. The government has announced plans to build more than 14,000 shelters on 2,000 acres of land. It has begun to register new arrivals and provide biometric identity cards, with technical assistance provided by the UN Refugee Agency (UNHCR). Serious concerns with implementation of plans, both in terms of building of adequate structures and providing freedom of movement, remain and must be addressed, but in its overall response to such a crisis, Bangladesh has thus far been on the right side of history.

It will be vital that the government work with international agencies, including UNHCR, the International Organization for Migration (IOM), and international and national NGOs to ensure proper coordination, building of shelters according to global standards, and adequate provision of food, water, sanitation and hygiene, and medical care, including clinical man-

agement of rape and psychosocial support for gender-based violence (GBV) survivors. In RI's previous report, we noted the heightened risks of human trafficking cited by several humanitarian officials. With the new influx, those risks will only be heightened further.

The needs are overwhelming. The support and solidarity of the global community is sorely needed. The announcement of \$32 million in humanitarian aid by the United States was a welcome shot in the arm, but much more is required. Initial appeals by the Inter Sector Coordination Group, the coalition of agencies coordinating the humanitarian response in Bangladesh, for \$77 million through the end of this year to fill the humanitarian gap have now increased to appeals for \$434 million over the next six months to address the humanitarian crisis.¹¹

In addition to refugees in Bangladesh, hundreds of thousands of Rohingya remaining inside Rakhine State are blocked off from any kind of aid. Even before the attacks started, the World Food Program estimated that 80,000 children under the age of five were facing acute malnutrition.¹² Global humanitarian organizations have warned that "hundreds of thousands of civilians remain in northern Rakhine State with insufficient access to life-saving food, nutrition, shelter and medical services" due to the Myanmar government's access restrictions.¹³

Addressing Root Causes

Both immediate and long-term solutions to the crisis will require addressing its root causes – the policies of the Myanmar government and the actions of the Myanmar military. Addressing these root causes requires measures by three key groups of actors: the Myanmar military led by Senior General Min Aung Hlaing, the civilian government led by Aung San Suu Kyi, and the international community represented by the UN Security Council and individual governments.

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Levels of Responsibility

Myanmar Military

Senior General Min Aung Hlaing and Myanmar's military are the primary perpetrators of serious human rights abuses and those in the strongest position to bring them to an end. Numerous eye witness accounts identify men in Myanmar military uniforms attacking villages, burning homes, and stabbing, shooting, or raping their inhabitants. These accounts are fortified by video and satellite evidence and the accounts of Bangladesh Border Guards observing fleeing masses, gunfire, and burning villages from across the border.¹⁴ One way or another, the Myanmar military leadership must be persuaded to end these awful abuses, and perpetrators must be held accountable.

Government of Myanmar

Aung San Suu Kyi and her civilian government are limited by the enduring influence of the military in Myanmar, but she has a prominent voice and support within the country. She has not simply chosen to remain silent. Instead, she has rejected a UN fact-finding mission, and her office has endangered international humanitarians by baselessly accusing them of supporting terrorism. In her first address to the world on the crisis on September 19, Suu Kyi expressed ignorance as to why vast numbers of Rohingya were fleeing and made no mention of the credible reports of massive human rights violations against the Rohingya community. At a minimum, she should take measures – or exercise forbearance – to ensure she is not an apologist for abuses.

International Community

The international community, represented by the UN Security Council and individual governments, has begun speaking out with stronger statements weeks after the start of the crisis. On September 28, the UN Security Council held its first public debate on the crisis with UN Secretary General Antonio Guterres warning of “a humanitarian and human rights nightmare” and urging Myanmar's authorities to end military operations, allow unfettered humanitarian access, and to allow safe returns.¹⁵ Several countries made strong and often pointed statements, including the United States, Britain, and France, while Russia and China supported Myanmar. Stronger statements are welcome, but action is needed – including ongoing engagement by the United States and governments concerned about this terrible situation (see recommendations section below).



Rohingya fleeing abuses in Myanmar seek refuge in “no-man’s land” between the borders of Myanmar and Bangladesh.

Conclusion

International pressure is desperately needed to address the root causes of the crisis – the policies of the Myanmar government and the actions of the Myanmar military. In the immediate term, international aid must be quickly and generously supplied to the hundreds of thousands of affected Rohingya refugees. In the longer term, the goal should be returns of Rohingya refugees to Myanmar in safety and dignity. The violence must end and perpetrators of violence be held accountable. The world must not stand by as crimes against humanity and the ethnic cleansing of an entire people unfold.

Recommendations

The UN Security Council should:

- Demand a cessation of abuses against Rohingya civilians, access for a United Nations fact-finding mission that has been authorized by the UN Human Rights Council, and unfettered access for humanitarian organizations to Rakhine State.
- Impose a multi-lateral arms embargo until these requirements are met and individuals involved in planning, aiding or carrying out such abuses against the Rohingya are held accountable.
- Place targeted sanctions on Senior Myanmar's General Min Aung Hlaing and other senior military officials and military-owned enterprises.
- Authorize evidence collection through the UN Human Rights Council fact-finding mission or another UN Security Council authorized fact-finding mission toward holding accountable those responsible for gross human rights abuses.
- Support a referral to the International Criminal Court unless the Myanmar authorities take significant measures to address the human rights concerns and to hold accountable those responsible for gross human rights abuses.
- Affirm support for the report of the Advisory Commission on Rakhine State led by former UN Secretary General Kofi Annan, which contains important recommendations relating to the Rohingya in Myanmar.

The U.S. government should:

- Strongly support UN Security Council action as described above.
- Prohibit military-to-military cooperation with Myanmar and place targeted sanctions against Senior General Min Aung Hlaing and other senior military officials and military-owned enterprises until the Myanmar government ends abuses in Rakhine state, permits unfettered international humanitarian access, and holds accountable individuals involved in planning, aiding or carrying out the abuses against the Rohingya.
- Support robust humanitarian aid efforts in Bangladesh in the near term, focusing, particularly, on adequate shelter, food, water, sanitation and hygiene, and medical care, including clinical management of rape and psychosocial support for survivors of gender-based violence.
- Work toward the eventual safe and voluntary return of Rohingya to Myanmar.
- Appoint a high-level Presidential envoy on Myanmar (who could be a “dual-hatted” official who is already serving in government), who would seek to work with like-minded governments to lead international efforts to end abuses, provide assistance to refugees and promote conditions that will permit the eventual safe and voluntary return of Rohingya to Myanmar.

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