



Refugee children in Burma. Photo: United to end Genocide

# BURMA

## HUMAN RIGHTS VIOLATIONS AGAINST ROHINGYA MUSLIMS IN RAKHINE STATE SINCE 9 OCTOBER 2016

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### SUMMARY

On 9 October 2016 nine police officers died in an attack on two border guard posts in Rakhine State, on Burma's border with Bangladesh. The Burmese military claimed this was an act of terrorism by a small group of Rohingya Muslims. The incident sparked a severe military offensive against civilians, which has led to the worst human rights and humanitarian crisis in Rakhine State since 2012.

At least 30,000 Rohingya have been displaced, and hundreds have died in the violence. The military have committed extensive and severe human rights violations against the Rohingya including the burning of homes, mass rape, torture, execution without trial, and the blocking of aid. Hundreds of Rohingya have fled to the Bangladeshi border but have been denied asylum.<sup>1</sup>

Yanghee Lee, the UN Special Rapporteur on the human rights situation in Myanmar, said on 18 November 2016: "State Counsellor Aung San Suu Kyi has recently stated that the government is responding to the situation based on the principle of the rule of law. Yet I am unaware of any efforts on the part of the government to look into the allegations of human rights violations."<sup>2</sup>

John McKissick, head of the United Nations Office of the High Commissioner for Refugees (OHCHR) in the Bangladeshi border town of Cox's Bazar, told the BBC that the Burmese government is pursuing a campaign of ethnic cleansing against the Rohingya minority from its territory.<sup>3</sup>

### DETAILED ACCOUNT OF HUMAN RIGHTS VIOLATIONS

On 9 October 2016, an attack on three border guard posts on Burma's frontier with Bangladesh in Rakhine State led to the death of nine police officers. The Burmese military claimed that this was an act of terrorism by Rohingya people and started a major crackdown in response as they 'investigated' the crime. Throughout October there were multiple instances of summary execution, torture and mass rape; and thousands were forced to flee their homes. Human Rights Watch has found evidence of more than 1,000 homes burned down during this period.<sup>4</sup> International journalists and aid organisations were not given access to Rakhine State as the government insisted that there was nothing to see.

<sup>3</sup> BBC, 'Myanmar wants ethnic cleansing of Rohingya – UN official', 24 November 2016 [www.bbc.co.uk/news/world-asia-38091816](http://www.bbc.co.uk/news/world-asia-38091816)

<sup>4</sup> Human Rights Watch, 'Burma: New Wave of Destruction in Rohingya Villages', 21 November 2016 [www.hrw.org/news/2016/11/21/burma-new-wave-destruction-rohingya-villages](http://www.hrw.org/news/2016/11/21/burma-new-wave-destruction-rohingya-villages)

<sup>1</sup> Christian Solidarity Worldwide, 'Calls for independent inquiry', 25 November 2016 [www.csw.org.uk/2016/11/25/news/3359/article.htm](http://www.csw.org.uk/2016/11/25/news/3359/article.htm)

<sup>2</sup> United Nations Office of the High Commissioner for Human Rights, 'Myanmar: UN expert warns of worsening rights situation after 'lockdown' in Rakhine State', 18 November 2016 [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20895&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20895&LangID=E)

The violence increased in severity after 12 November. The military used heavy weapons and helicopter gunships against Rohingya villages, killing and injuring hundreds and displacing 20,000 Rohingya in one weekend.

Since this crackdown, thousands of Rohingya have fled across the border into the Cox's Bazar Internally Displaced Persons (IDP) camp in Bangladesh. Many have found themselves blocked at the Bangladesh border, as the Bangladeshi government renews its efforts to tighten border controls. Reports are emerging from the refugee camps verifying earlier allegations: women are providing testimonies of gang rape and the torching of homes by Burmese soldiers.<sup>5</sup> On 9 January 2017 the UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated that 65,000 have crossed the border since 9 October, 22,000 in the first week of January alone.<sup>6</sup>

The Burmese government rejects reports of human rights abuses but refuses to allow international journalists or an independent international inquiry to investigate. The authorities have pressured media or political activists who present an alternative to the official government narrative. On 31 October a *Myanmar Times* journalist, Fiona MacGregor, was dismissed after a Ministry of Information official contacted the newspaper with a complaint about her story on the mass rape of Rohingya women.<sup>7</sup> As a result the *Myanmar Times* stopped reporting on the situation in Rakhine State for three weeks. On 18 November National League for Democracy member Myo Yan Naung Thein was arrested and charged with defamation, after posting on Facebook calling on the Commander-in-Chief of the armed forces to resign in response to the disproportionate actions of the military.<sup>8</sup>

The government has also strongly objected to international claims that it is committing crimes against humanity. On 23 November 2016, Daw Aung San Suu Kyi's office sent a formal complaint to the BBC about

their report on the situation.<sup>9</sup> The letter claimed that the BBC report and the report of the UNHCR official John McKissick (quoted above) were based upon 'rumour' and 'hearsay'. The government continues to refuse to allow an independent inquiry into the situation.

Burma's government initially totally denied international aid agencies access to IDPs in Rakhine State. According to media reports, on 23 November the United Nations and the World Health Organisation were given access to Buthidaung IDP camp for the first time.<sup>10</sup> On 13 December the OHCHR<sup>11</sup> reported that out of the 150,000 people who were receiving aid before 9 October, 20,000 people had received assistance but 130,000 people had not been reached.<sup>12</sup>

On 28 November the Commander-in-Chief of the armed forces in Burma, Senior General Min Aung Hlaing, mentioned the possibility of declaring a 'state of emergency' as a result of instability in Rakhine State and Shan State. If the military decided that the situation required military 'intervention', they would effectively be staging a coup.<sup>13</sup> Such action would leave Burma under the control of the military once more.

The OHCHR expressed alarm on 29 November at the direction of events. A press briefing highlighted that the recent violence is part of a 'pattern of violations against the Rohingya [which] may amount to crimes against humanity.'<sup>14</sup>

On 2 December Daw Aung San Suu Kyi gave her first interview addressing the situation in Rakhine State. She called on the international community to 'focus on resolving difficulties rather than exaggerating them', and claimed that her government has 'managed to keep

5 Mizzima, "'They raped us one by one'", says Rohingya woman who fled Myanmar', 26 November 2016 [www.mizzima.com/news-domestic/%E2%80%98they-raped-us-one-one%E2%80%99-says-rohingya-woman-who-fled-myanmar](http://www.mizzima.com/news-domestic/%E2%80%98they-raped-us-one-one%E2%80%99-says-rohingya-woman-who-fled-myanmar)

6 *Guardian*, '65,000 Rohingya flee from Myanmar to Bangladesh following crackdown: UN', 10 January 2017 [www.theguardian.com/world/2017/jan/10/65000-rohingya-flee-from-myanmar-to-bangladesh-following-crackdown-un](http://www.theguardian.com/world/2017/jan/10/65000-rohingya-flee-from-myanmar-to-bangladesh-following-crackdown-un)

7 Frontier Myanmar, 'Reporter's sacking followed MoI phone call, sparking press freedom fears', 4 November 2016 <http://frontiermyanmar.net/en/news/reporters-sacking-followed-moi-phone-call-sparking-press-freedom-fears>

8 Human Rights Watch, 'Burma: End Prosecutions for Critical Speech', 27 November 2016 [www.hrw.org/news/2016/11/27/burma-end-prosecutions-critical-speech](http://www.hrw.org/news/2016/11/27/burma-end-prosecutions-critical-speech)

9 Coconuts Yangon, 'Aung San Suu Kyi's Office Denounces BBC and UNHCR Official Over Statements Regarding Rakhine State', 28 November 2016 <http://yangon.coconuts.co/2016/11/28/aung-san-suu-kyis-office-denounces-bbc-and-unhcr-official-over-statements-regarding>

10 DVB, 'UN, WHO given access to IDPs in Buthidaung', 24 November 2016 [www.dvb.no/news/un-given-access-idps-buthidaung/72778](http://www.dvb.no/news/un-given-access-idps-buthidaung/72778)

11 United Nations Office of the High Commissioner for Human Rights [www.ohchr.org/EN/Pages/Home.aspx](http://www.ohchr.org/EN/Pages/Home.aspx)

12 ReliefWeb, 'OCHA Update - Humanitarian situation in the northern part of Rakhine State, Myanmar', 13 December 2016 <http://reliefweb.int/report/myanmar/ocha-update-humanitarian-situation-northern-part-rakhine-state-myanmar-13-december>

In response to blocks on aid, Christian Solidarity Worldwide has been running a campaign calling for the Burmese government to 'Stop the Block'. See [www.csw.org.uk/realchangeburma](http://www.csw.org.uk/realchangeburma)

13 The Irrawaddy, 'Military Chief Mentions State of Emergency Provisions Amid Ongoing Clashes', 28 November 2016 [www.irrawaddy.com/news/burma/military-chief-mentions-state-of-emergency-provisions-amid-ongoing-clashes.html](http://www.irrawaddy.com/news/burma/military-chief-mentions-state-of-emergency-provisions-amid-ongoing-clashes.html)

14 UN News Centre, 'Myanmar: UN rights chief warns of "spiral of violence" in Rakhine State', 29 November 2016 [www.un.org/apps/news/story.asp?NewsID=55668#.WD77hLKL5UI](http://www.un.org/apps/news/story.asp?NewsID=55668#.WD77hLKL5UI)

the situation under control and to calm it down.<sup>15</sup> Her interview did not address why international aid has been blocked in the region or offer explanation about why the international community have not been allowed to access Rakhine State.

On 6 December Kofi Annan, Chairman of the Advisory Commission on Rakhine State made a statement on the situation in Rakhine State. The Commission said that they were 'deeply concerned by the reports of alleged human rights abuses.'<sup>16</sup> They went on to stress that 'security operations must not impede humanitarian access to the population.' In a separate press conference, he suggested that the international community should refrain from using the word 'genocide' because it is a charge which requires 'legal review and judicial determination' and should not be 'thrown around loosely'.<sup>17</sup>

In December, members of the international community began to express their concern at the situation. On 4 December Najib Razak, the prime minister of Malaysia, led a rally in which he condemned 'genocide' in Burma. His protest was condemned by Muslim Civil Society Organisations in Burma who were concerned that his attack on Daw Aung San Suu Kyi did not adequately account for the complexities in the situation.<sup>18</sup> On 9 December 2016, 14 countries released a joint statement calling on Burma to stop blocks on aid in the northern part of Rakhine State.<sup>19</sup>

This was followed on 29 December 2016 by an open letter to the UN Security Council from a group of 23 activists, including Archbishop Desmond Tutu, Malala Yousafzai and 9 other Nobel Peace Prize Laureates. The letter warned the United Nations Security Council of 'ethnic cleansing' in Rakhine State and urging them to put the issue on the Council's agenda 'as a matter of urgency', while also calling on the international community to 'speak out much more strongly'.<sup>20</sup>

On 1 December the Rakhine Investigation Commission was established in response to international pressure for the authorities to investigate the situation in Rakhine State. The Commission is headed by a former army general and its members include the Chief of Police.<sup>21</sup> It has not yet published its official findings but the interim report, published on 4 January 2017, found supposedly 'no cases of malnourishment' and 'no instances of religious persecution', claiming that security forces were acting within the law. Human Rights Watch condemned the report as a 'Myanmar government whitewash mechanism', and called for an independent international inquiry.<sup>22</sup>

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15 Channel News Asia, 'Exclusive: Focus on resolving difficulties in Rakhine rather than exaggerating them, says Suu Kyi', 2 December 2016 [www.channelnewsasia.com/news/asiapacific/exclusive-focus-on-resolving-difficulties-in-rakhine-rather-than/3337068.html](http://www.channelnewsasia.com/news/asiapacific/exclusive-focus-on-resolving-difficulties-in-rakhine-rather-than/3337068.html)

16 Rakhine Commission, 'Remarks by Kofi Annan, Chairman of the Advisory Commission on Rakhine State', 6 December 2016 [www.rakhinecommission.org/remarks-kofi-annan-chairman-advisory-commission-rakhine-state](http://www.rakhinecommission.org/remarks-kofi-annan-chairman-advisory-commission-rakhine-state)

17 Channel News Asia, 'Accusations of genocide in Rakhine should not be thrown around loosely: Kofi Annan', 6 December 2016 [www.channelnewsasia.com/news/asiapacific/accusations-of-genocide-in-rakhine-should-not-be-thrown-around/3346542.html](http://www.channelnewsasia.com/news/asiapacific/accusations-of-genocide-in-rakhine-should-not-be-thrown-around/3346542.html)

18 The Irrawaddy, 'Muslim Coalition Objects to Malaysia's Rally to Support Rohingya', 6 December 2016 [www.irrawaddy.com/news/burma/muslim-coalition-objects-to-malaysias-rally-to-support-rohingya.html](http://www.irrawaddy.com/news/burma/muslim-coalition-objects-to-malaysias-rally-to-support-rohingya.html)

19 US Embassy in Burma, Statement by the Diplomatic Missions of Austria, Belgium, Canada, Denmark, Finland, France, Greece, Ireland, the Netherlands, Poland, Spain, Sweden, Turkey and the United States on Humanitarian Access to northern part of Rakhine State, 9 December 2016 <https://mm.usembassy.gov/joint-statement-humanitarian-access-northern-part-rakhine-state/>

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20 *Guardian*, 'Nobel laureates warn Aung San Suu Kyi over "ethnic cleansing" of Rohingya', 30 December 2016 [www.theguardian.com/world/2016/dec/30/nobel-laureates-aung-san-suu-kyi-ethnic-cleansing-rohingya](http://www.theguardian.com/world/2016/dec/30/nobel-laureates-aung-san-suu-kyi-ethnic-cleansing-rohingya)

21 Amnesty International UK, 'Briefing: Current Treatment of the Rohingya in Myanmar', 12 January 2017

22 DVB, 'Interim report of Arakan probe fails to impress', 5 January 2017 [www.dvb.no/news/interim-report-arakan-probe-fails-impress/73435](http://www.dvb.no/news/interim-report-arakan-probe-fails-impress/73435)

## RECOMMENDATIONS

### To the UN Secretary-General

- Demand that the Burmese government immediately lifts the restrictions on humanitarian aid.

### To the United Kingdom

- Urge the Burmese government to lift all restrictions on humanitarian aid
- Urge the Burmese government to allow an independent international inquiry into the situation in Rakhine State, in order to establish the facts.

### To Burma/Myanmar

- Immediately lift all restrictions on humanitarian aid
- Allow an independent international inquiry to investigate violations of human rights in Rakhine State.
- Begin constructive dialogue between Rakhine Buddhists and Rohingya Muslims in Rakhine State
- Explore all possible measures to stop human rights violations including killing, rape, torture and the burning of homes, and take steps to prevent similar violations occurring again
- Refer to the Rabat Plan of Action to take measures to combat hate speech and promote peace and reconciliation in Rakhine State.

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