

CRIMES AGAINST HUMANITY IN MYANMAR

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Early in the morning of 25 August 2017, a Rohingya armed group known as the Arakan Rohingya Salvation Army (ARSA) launched coordinated attacks on security force posts in northern Rakhine State, Myanmar, killing 12 members of the security forces. In the days, weeks, and months that followed, the Myanmar security forces, led by the Myanmar Army, attacked the entire Rohingya population in villages across northern Rakhine State.

In the 10 months after 25 August, the Myanmar security forces drove more than 702,000 women, men, and children—more than 80 per cent of the Rohingya who lived in northern Rakhine State at the crisis' outset— into neighboring Bangladesh. This ethnic cleansing of the Rohingya population was achieved by a relentless and systematic campaign in which the Myanmar security forces unlawfully killed thousands of Rohingya, including young children; raped and committed other sexual violence against hundreds of Rohingya women and girls; tortured Rohingya men and boys in detention sites; pushed Rohingya communities toward starvation by burning markets and blocking access to farmland; and burned hundreds of Rohingya villages in a targeted and deliberate manner.



Rohingya refugees fleeing from ongoing military operations in Myanmar's Rakhine state © Onur Coban/Anadolu Agency/Getty Images

A History of Persecution

The Rohingya have long faced systematic discrimination and persecution in Myanmar. Successive governments have denied that the Rohingya are one of the many ethnic groups from Myanmar but have instead asserted that they are migrants from Bangladesh who settled in the country “illegally”. The reality is that the overwhelming majority of Rohingya living in Rakhine State, as well as those who have recently fled from Rakhine State to Bangladesh and other states, were born in Myanmar, as were their parents. Virtually all of them have no other citizenship and no reasonable claim to citizenship anywhere other than in Myanmar. Despite this, most are not recognized as Myanmar citizens.

Most significantly, the 1982 Citizenship Law stripped many Rohingya of their Myanmar citizenship, and deprived them of their right to a nationality; they have suffered under discriminatory laws, policies, and practices. Their lack of citizenship has had a cascade of negative impacts on the Rohingya. The authorities have used this as an excuse to severely restrict the Rohingya's freedom of movement, effectively segregating them from the rest of society. Access to healthcare, education, and work opportunities has also been severely limited. This discriminatory and dehumanizing practices became particularly pronounced—and enforced rigidly by the Myanmar military and civilian authorities—after clashes between the Rohingya (Muslim) and ethnic Rakhine (Buddhist) in June 2012, the latter of whom were at times supported by the security forces. Amnesty International has concluded that these practices, which target the Rohingya as a racial

group and which is implemented by the state through a range of laws, policies, and practices, amounts to crimes against humanity, including apartheid.

In addition to the daily persecution the Rohingya endure, there is a long history of violent expulsions by the Myanmar security forces. In 1978, up to 200,000 Rohingya were forced to flee Myanmar during and after a major military crackdown on “illegal immigration” codenamed “Operation Nagamin” (Dragon King). In 1991 and 1992, an estimated 250,000 Rohingya fled after another campaign of violence by the Myanmar security forces. In both cases, most Rohingya were repatriated from Bangladesh in subsequent years in a manner that raised serious questions as to whether the process was voluntary. Neither repatriation process led to improvements in the lives of the Rohingya; on the contrary, the repatriations were followed by the further erosion of Rohingya rights and dignity.



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More recently, starting in October 2016, tens of thousands of Rohingya were forced to flee Rakhine State after the Myanmar security forces targeted Rohingya women, men, children, and entire villages following attacks on police posts by the then-unknown Rohingya armed group ARSA. The military’s subsequent “clearance operations” were marked by widespread and systematic human rights violations, including unlawful killings, rape and other forms of torture, enforced disappearances, and arbitrary detentions.

The Myanmar military and a national

commission separately launched investigations into the allegations. Both rejected the findings of the United Nations High Commissioner for Human Rights and issued reports that found almost no wrongdoing. For the many crimes committed against the Rohingya, the security forces benefited from near total impunity. Meanwhile, the international community stayed largely silent, with many privately expressing fears that strong condemnation and action might undermine the country’s recent transition to a quasi-civilian government after decades of military rule and isolationism. This impunity and collective silence, particularly since 2012, set the stage for the current crisis.

Bills on Human Rights Abuses in Rohingya

Two key pieces of legislation that address the human rights violations being perpetrated in Myanmar have been introduced in the United States Congress: the BURMA Act of 2018, sponsored by Congressman Eliot L. Engel (D-NY-16); and the Burma Human Rights and Freedom Act of 2019 (S.1186), sponsored by Senator Benjamin Cardin (D-Md.), Todd Young (R-Ind.), Dick Durbin(D-III.), Marco Rubio (R-Fla.) and Jeff Merkley (D-Ore.).

The BURMA Act of 2018 imposes targeted sanctions and travel restrictions on senior Myanmar military officials responsible for human rights abuses against the Rohingya people. The bill also limits military cooperation between the U.S. and Myanmar, supports economic and security sector reform, and encourages the continued transition of power to a civilian government. Additionally, it includes a section intended to empower the civilian government in Myanmar by encouraging reform of the gemstone industry.

The Burma Human Rights and Freedom Act of 2019 (S. 1186) would also impose sanctions on senior Burmese military officials responsible for the systematic human rights abuses against the Rohingya people and other minorities in Myanmar. The first version of this bill was introduced in November 2017 by Senator John McCain (R-Ariz.), then Chairman of the Senate Armed Services Committee, and Senator Cardin, then Ranking Member of the Senate Foreign Relations Committee, in response to the wave of atrocities carried out by the Myanmar government against the Rohingya in August 2017.

These bills would:

- Affirm the U.S. policy of calibrated engagement, which supports good governance and a peaceful, prosperous Myanmar that respects human rights of all of its people regardless of ethnicity and religion
- Authorize humanitarian and reconciliation assistance for ethnic groups, including the Rohingya and other minority groups, and civil society organizations in Myanmar, Bangladesh, Thailand, and the region
- Instruct Treasury to direct the United States executive directors of each international financial institution to use the voice and vote of the United States to only vote for international financial assistance projects that allow for accountability, transparency and disclose the beneficial ownership of the extractives industry; do not provide incentives for, or facilitate, forced displacement; and do not partner with Myanmar's armed forces .
- Call on Myanmar's government, in collaboration with the regional and international community, including the United Nations High Commissioner for Refugees, to ensure the dignified, safe, sustainable, and voluntary return of Rohingya and other minorities, including restoring or granting of full citizen rights to Rohingya people.
- Codify U.S. – Myanmar military-to-military cooperation restrictions unless certain certifications are met
- Require a report on crimes against humanity and other serious human rights abuses committed against the Rohingya and other ethnic groups in Myanmar, and on potential transnational justice mechanisms in Myanmar

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