

# MYANMAR HUMAN RIGHTS CRISIS

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Impunity reigns supreme in Myanmar, where the military has committed some of the gravest crimes under international law, in particular against the Rohingya in Rakhine State, and in Kachin and Shan States in northern Myanmar. A UN Fact Finding Mission has called for the investigation and prosecution of crimes against humanity, war crimes, and genocide. However, the prospect of meaningful accountability in Myanmar is currently almost non-existent, as the military still operates independent of civilian oversight and retains control of its own judicial processes. To date, only seven soldiers are known to have been investigated and convicted for the crimes against the Rohingya, following a Reuters investigation into the massacre of 10 men and boys in Inn Din village. All seven have been released after serving less than a year of a 10-year prison sentence. For its part, the civilian-led government has shown itself to be unable and unwilling to independently and credibly investigate atrocities. Fresh violations in Rakhine State and continuing violations in northern Myanmar highlight the institutionalized and systematic nature of abuses by the military, as well as the consequences of ongoing impunity.

## A History of Persecution

Early on the morning of August 25, 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 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 following, the Myanmar security forces drove more than 720,000 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.

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 and 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



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

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.



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Most significantly, a 1982 Citizenship Law stripped many Rohingya of their Myanmar citizenship, and deprived them of their right to a nationality. 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. Amnesty International has concluded that these practices, which target the Rohingya as a racial group, amount to crimes against humanity, including apartheid.

Starting in October 2016, tens of thousands of Rohingya were forced to flee Rakhine State after the Myanmar security forces targeted Rohingya following attacks on police posts by ARSA. The military's subsequent "clearance operations" were marked by widespread and systematic human rights violations. The Myanmar military and a national commission separately launched investigations into the allegations. Both rejected the findings of the UN 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.

### **Bills on Human Rights Abuses in Rohingya**

Two key pieces of legislation that address these human rights violations have been introduced in the United States Congress: the BURMA Act of 2019, sponsored by Congressman Eliot L. Engel (D-NY-16); and the Burma Human Rights and Freedom Act of 2019 (S.1186), sponsored by Senators 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 2019 imposes meaningful accountability 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 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 accountability measures on senior Myanmar military officials responsible for the systematic human rights abuses against the Rohingya people and other minorities in Myanmar.

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