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Emergency Report: Urgent Action Essential to Protect Muslims in Myanmar

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The Equal Rights Trust

Introduction

The Rohingya of Myanmar have been subject to systematic, state sponsored attacks in Rakhine State Myanmar, since June this year. The Equal Rights Trust (ERT) has been monitoring and advocating on the situation since the outset of the violence. However, [past recommendations](#) made by ERT and other human rights organisations to the governments of Myanmar and Bangladesh and to the international community have not been adequately acted on. Consequently, a new outbreak of more intense and widespread violence has begun. The nature and extent of this violence together with mass evictions and forced relocation of Muslims by security forces has resulted in claims of ethnic cleansing being made by many advocacy groups. While these claims cannot be completely verified due to the lack of independent monitors on the ground, it must be noted that this is because the government of Myanmar has not granted permission for monitors to access affected areas. ERT is of the position that unless decisive action is taken, the violence is likely to continue and increase, having a devastating impact on the Rohingya and other Muslim communities of the country, destabilising Myanmar and having security and human rights repercussions throughout the region.

Consequently, ERT today wrote to President Thein Sein of Myanmar, urging him to take immediate action to end the violence, provide protection and aid to all victims, allow full access to the international community and ensure that all perpetrators are brought to justice. ERT has been and will continue to lobby key figures in the international community to act in accordance with the doctrine of responsibility to protect and address this crisis as a matter of urgency.

Many factors have contributed towards the present situation, in which the public are able to attack and kill Rohingya, destroy their property, prevent their access to humanitarian aid and incite hatred against them with impunity, while the military and state authorities look on, or participate. These include:

- The racist, discriminatory policies and practices towards Rohingya promoted and implemented by the state of Myanmar over many decades, which paints them as illegal immigrants and arbitrarily rendered them stateless. It has been argued that the sustained and systemic discriminatory and inhumane treatment of Rohingya over many years amounts to a [crime against humanity](#).
- Underlying racist attitudes in Myanmar towards the Rohingya in particular and Muslims in general - attitudes which are prevalent in the military and ex-military leadership, the democratic movement and the general public, and have been exploited by extremist nationalist groups to incite hatred and instigate violence even in communities where Muslims and Buddhists have previously lived in peace.
- The failure to establish an international commission of inquiry into the violence and the ineffectiveness and lack of independence of the commission of inquiry set up by Myanmar.
- The unwillingness to permit the presence of independent international monitors in Rakhine state.
- The continued characterisation of the violence as “communal” by the Myanmar government, the media and many international actors, despite overwhelming evidence of the involvement of state actors through inciting hatred against the Rohingya, turning a blind eye to violence committed by Rakhine and partaking in violent acts themselves.

Background

This fresh violence comes on the heels of the violence in June 2012 which left at least 75,000 Muslims from Rakhine State contained in IDP camps, tens of thousands in North Rakhine State unable to leave their homes and whole Muslim communities destroyed or forcibly relocated from the capital of Rakhine State, Sittwe. ERT published a [report](#) on 1 July 2012, providing evidence of the involvement of State Security forces in the violence.

Even though a state of emergency was declared in June, the violence continued. All populations, including Rakhine Buddhists and Muslim populations were affected, but the Rohingya and other Muslims suffered disproportionately. There were mass arbitrary arrests of Rohingya men whose

whereabouts remain unknown, torture and death in custody, discriminatory forced relocation through “burning out” by local Rakhine populations and forced eviction by security forces under the rubric of preventing further “communal violence”.

Alongside the violence, the Rohingya have been subject to a sustained public campaign to boycott them from public life and interaction with non-Muslim populations. Both displaced Rohingya and those who remain in their homes and communities have been severed from their livelihoods and have been unable to access markets, schools and hospitals and have had no access to humanitarian aid.

On-going Violence

Since 21 October 2012, Muslims in Rakhine state, including stateless Rohingya and Kaman Muslims who are citizens of Myanmar, have been subject to intense, large-scale and sustained violence including killing, burning of homes and property, forced displacement and the denial of humanitarian aid. This violence has to-date resulted in the entire or partial destruction of Muslim communities, and has radically altered the ethnic and religious demographic of areas of Rakhine state, raising concerns of [ethnic cleansing](#). According to the UN, in recent weeks a further estimated 28,000 people have been displaced and at least 4600 homes have been destroyed. The Government – which has a long history of grossly underestimating such numbers – claims that 88 people have been killed. The claims of witnesses of brutal massacres and mass graves put the figure much higher.

The violence and displacement have affected many areas including the townships of Minbya, Mrauk-U, Kyaukphyu, Myebon, Pauktaw, Kyawtaw and Ramree. [Satellite imagery](#) released by Human Rights Watch shows the destruction of entire Muslim areas in Kyaw Pyu with out-lying Buddhist areas untouched. According to witnesses, in addition to local Rakhine perpetrators, large armed groups from other parts have also been involved in the violence. Communities where Muslims and Buddhists have lived peacefully together for centuries have been targeted. There are reports that individual Rakhine and other Burmese who are perceived to be “helping” Muslim populations – be that through selling them food, informing external groups on the plight of Muslims, or providing aid – have been subject to violent attacks and/or sustained threats.

Witnesses also report the systematic and deliberate failure of security forces to protect Muslim communities from attack. Other communities have reported being forcibly relocated by security forces under threat of violence, based on “intelligence” that attacks will occur in the near future. Boats full of Muslims fleeing the violence to other coastal areas of Rakhine State have not been allowed to disembark and have been pushed-back into sea by state security forces. Those who tried to reach the shores were attacked. There are allegations that international agencies attempting to distribute aid to survivors on the boats have been blocked from doing so and that victims fleeing violence have been subject to extortion in exchange for aid by security forces. Earlier this week, it was reported that a boat of over 130 refugees fleeing persecution capsized off the shore of Bangladesh. Approximately [130 are presumed dead](#).

Commission of Inquiry

Following the outbreaks of violence in June, there were numerous calls for the Government of Myanmar to allow an independent and impartial international inquiry to be conducted. The Government instead set up its own domestic inquiry. Whilst this inquiry is on-going and the findings are as yet unpublished, there are serious concerns regarding both its process and substance. According to an ERT source, at this stage in the inquiry:

- Rohingya are not represented on the commission, whilst Rakhine and Buddhists who have taken an extreme anti-Rohingya stance are.
- There are no individual safeguards in place for victims of the violence in Rakhine State. In an area with a long history of documented extra-judicial killings, arbitrary arrest and detention, there are no guarantees of safety, anonymity or immunity from prosecution for witnesses and those coming forward for interview.

- Muslim members of the commission were told that their “safety could not be guaranteed” outside of very limited areas of Rakhine State, impacting on their ability to speak with people affected by the violence.
- There have been no attempts to interview refugees who have fled the country.
- Attempts to interview key members of the security forces on their role by members of the commission have been blocked, and many security personnel have since been transferred to other regions of the country.
- The commission has not been provided with sufficient financial or other resources by government and has been slow to set up offices and contacts in the affected areas.

Given this information, and reports that the inquiry has been [“blocked” at the local level](#), the domestic commission of inquiry should in no way detract from the urgent need for an independent and transparent international inquiry into the violence.

The Responsibility to Protect

The responsibility to protect is an important doctrine of international law and diplomacy that has been increasingly referred to by the UN in responding to conflicts around the world. However, despite overwhelming evidence of the urgency of the situation, there has been no concerted international effort based on this doctrine, to bring pressure on Myanmar to end the violence, protect the victims, provide humanitarian aid to the displaced and prosecute the perpetrators.

The international community has politically and financially invested greatly in the democratic reform process in Myanmar headed by President Thein Sein, through a process of dismantling the sanctions regime and normalising economic and diplomatic relations with Myanmar. This may explain the muted and delayed response to condemning the role of the government in the crisis in Rakhine State. The international community must respond to this crisis as a matter of urgency, in light of Myanmar’s overwhelming failure to protect large sections of the Muslim population in Rakhine State, its failure to meet the humanitarian needs of affected Muslim communities and the wide-spread claims of ethnic cleansing. The urgency to respond is increased by the history of discrimination and persecution of the Rohingya in Myanmar by security forces, and evidence of state involvement in violence since June 2012.

Recent pledges of humanitarian aid, including by UK [DFID](#), are welcomed, and meeting the immediate humanitarian needs of all affected populations including Rakhine and Muslims, those displaced inside and outside camps and those that remain in their homes should be at the fore-front of international efforts. In addition to humanitarian aid, the international community must take urgent action to address the root causes and protect Muslim communities in both the short and long term.

Implications on Stability of Burma and the Region

Democratic transition and reform processes in Myanmar have been widely hailed since the elections in 2010. Despite the important steps that have been taken to increase political and civil freedoms, the current human rights situation in Rakhine State puts the reform process at [risk](#), as noted by the UN Special Rapporteur on Myanmar. The situation raises questions regarding the integrity of the Government in genuinely seeking to include Myanmar’s minorities in the processes of democratisation and nation building and in embracing the principles of equality and non-discrimination as part of those processes. The lawlessness in Rakhine State questions as to whether President Thein Sein and his government are in a position to maintain stability in the country and what control they have over the security forces and the military in more general terms. There are concerns that the security crisis in Rakhine State may be used by the military to further cement their role in the politics of the country and further militarise border regions. State media and [domestic journals](#) such as *The Voice* and *Eleven Media* have played a central role in stoking ultra-nationalist and anti-Rohingya sentiment, as have parliamentarians. It is essential that extremist voices are not amplified in a way that silences more moderate voices. Recent months have already seen anti-Rohingya or anti-Muslim protests spill over outside Rakhine State, to areas including Mandalay, Yangon and Karen State. It is vital, as UN Special

Rapporteur Tomas Ojea Quintana notes, that human rights, including those of stateless persons, are put at the centre of the reform process.

Despite claims to the contrary, there is no evidence of international Islamic terrorism in the country. This is a Myanmar-made security crisis that, as ASEAN Secretary General Surin Pitsuwan has pointed out, could spill over and cause [regional instability](#). The conflict that pits Buddhists against Muslims and creates mass movements of Rohingya and Muslim victims seeking refuge in other territories could spill over and stoke tensions in South Asia and the ASEAN region.

Conclusion and Recommendations

The direct responsibility for the persecution against Muslims in Myanmar since June this year lies with the government of Myanmar. It must be noted though, that the lack of decisive action by the international community has allowed the situation to worsen and spiral into violence of a scale and nature that may amount to ethnic cleansing – particularly if allowed to continue. ERT's recommendations of July 2012 to the government of Myanmar and the international community have largely been unaddressed. It is hoped that the recommendations below will be seriously considered and acted on by all parties that are capable of and responsible for the protection of the Rohingya and other Muslim minorities in Rakhine state.

ERT Recommendations to the Government of Myanmar

Urgent Recommendations

- Urgently take all necessary steps to end the violence and protect all individuals within the territory or subject to the jurisdiction of Myanmar, in an equal and non-discriminatory manner.
- Immediately prevent and punish all human rights abuses and crimes committed by security forces and civilians against Muslims in Rakhine State.
- Fully cooperate with, and allow timely access to UN agencies and other representatives of the international community, to enable independent monitoring of the situation and freedom of information.
- Fully cooperate with UN agencies and international NGOs to enable the non-discriminatory provision of humanitarian assistance and support to all affected communities.
- Ensure that displaced persons and victims of violence are not kept in protracted displacement but are enabled to return to their original homes as soon as possible, and be provided with the necessary resources and assistance to rebuild their lives.
- Provide adequate protection, support and access to aid for members of affected communities who have their movement restricted, including those who remain in their homes and communities.
- Treat all IDPs in accordance with the provisions of the [Guiding Principles on Internal Displacement](#).
- Cease all discriminatory forced relocation and recognise the land rights, property rights and right to return of all victims and displaced persons.
- Taking into consideration the procedural and substantive failings of the domestic commission of inquiry, allow the establishment of an impartial and transparent international enquiry into the causes of the violence, with the objective of identifying and bringing those responsible to justice, whether agents of the state or private individuals, compensating the victims and restoring damaged property.

Other Recommendations

- Take all necessary steps to prevent future conflict by ensuring equal access to justice, repealing discriminatory laws, restoring the rights of the Rohingya and other ethnic minorities in Myanmar.
- Integrate the principles of human rights, equality and non-discrimination into the legal reform process in Myanmar.

- Take into account the failings of the role of the security forces in the conflict and take steps to reform these institutions accordingly.
- Take steps to tackle institutional and popular racism and discriminatory attitudes in society at large.
- Tackle the root causes of the human rights abuses in Rakhine State, including by laying out a comprehensive plan towards peace, reconciliation and integration.
- Reform the citizenship laws to ensure all races and ethnicities are given equal and fair access to nationality without discrimination.
- Reduce statelessness in Myanmar by establishing clear paths towards the acquisition of citizenship and effective nationality for all stateless persons with legitimate claims to Myanmar nationality including the Rohingya who were arbitrarily deprived of their nationality by the 1982 citizenship law.
- Reform the immigration laws of Myanmar to make them compatible with international human rights and ensure that they are implemented in a manner which does not discriminate against minority groups or opponents of the state.
- Ratify and take all necessary steps to implement the ICCPR, ICESCR, CAT, CERD and other core human rights treaties.
- Ratify and take all necessary steps to implement the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

ERT Recommendations to the International Community

- Act in accordance with the doctrine of responsibility to protect, to investigate and prevent the committing of gross human rights violations against Muslim communities, which may amount to ethnic cleansing and crimes against humanity by Myanmar.
- Act to ensure the government of Myanmar takes immediate steps to end the violence and resolve the issues of displacement and segregation of Muslim communities in Rakhine State.
- Take all necessary steps to ensure the protection and security of the population in Rakhine State – in particular that of minority and stateless populations.
- Provide urgent humanitarian aid and coordinate efforts to reach all affected communities including victims in isolated or military-controlled areas and those who remain in their homes or communities.
- Monitor and document the situation in Rakhine state.
- Provide financial support for development strategies for Rakhine state that promote reconciliation, integration and ethnic equality.
- Provide resources and technical support to Myanmar in taking steps towards the reduction of statelessness, building the rule of law and integrating equality and respect for human rights into the reform processes in Myanmar.
- Pressure the government of Myanmar to ensure that this conflict does not result in the long-term displacement or segregation of communities.