

One Year after the Violence Began: Civil Society Organisations Deeply Concerned by the Human Rights and Humanitarian Situation of Stateless Rohingya

The Rohingya, a stateless minority of Myanmar, have endured decades of abuse, persecution and discrimination. One year ago, on 3 June 2012, the massacre of ten Muslims travelling in Rakhine State, following the killing and reported rape of a Buddhist woman, marked the beginning of a series of violent attacks against the Rohingya and other Muslim communities. The violence of June and October 2012 resulted in countless deaths, destruction to property, large scale internal displacement and segregation within Rakhine state of Myanmar. Consequently, thousands of Rohingya have fled to Bangladesh, Thailand, Malaysia and beyond.

One year after the violence began, the root causes and on-going humanitarian and human rights concerns remain largely unaddressed. Although both the Rakhine and Rohingya communities committed violence in June, the Rohingya were disproportionately victimised, including by security forces. Furthermore, discriminatory laws and practices against the Rohingya by the Burmese authorities, underpinned by their lack of citizenship, and their mistreatment in third countries remain matters of concern.

Despite heavy restrictions and difficulties in accessing the affected and displaced communities, and threats against, and intimidation and arbitrary arrests of humanitarian aid workers and human rights defenders, civil society actors have monitored and documented the situation, provided humanitarian aid to victims of violence, published statements and reports, briefed the international community and repeatedly raised growing concern over the deteriorating situation in Rakhine State and for Muslim communities throughout Myanmar. Some of the key concerns raised by civil society actors over the past year relate to:

- **Incitement to violence and government hate speech** – The violence against the Rohingya was instigated and has been sustained by relentless anti-Rohingya speech and campaigning by government officials and local leaders that often amounted to incitement. Government officials and local leaders have repeatedly characterised the Rohingya as illegal immigrants, branded non-Muslims who trade with or assist Rohingya as “traitors”, and encouraged campaigns against aid workers assisting displaced Rohingya, which has created an environment in which acute violence against this vulnerable group is seen as acceptable and even desirable.
- **Violence and impunity** – Satellite images of entire townships destroyed, photographs of houses on fire, video footage of attacks and dead bodies and testimonies of security personnel opening fire on villages and committing sexual assaults against Rohingya women collectively stand as growing evidence of the scale of the violence. In contrast, the lack of any convictions of state officials or ethnic Rakhine perpetrators and the disproportionate arrest and prosecution of Rohingya is reflective of the impunity with which acts of violence have been committed and bias within the criminal justice system. It is also evident that this impunity has contributed to an escalation in anti-Muslim violence throughout the country.
- **The involvement of government officials and security forces**– The involvement of state actors in incitement, carrying out attacks, extortion, arbitrarily arresting, detaining and torturing Rohingya, restricting their movement and hampering the delivery of humanitarian aid with impunity has been well documented. In this context, the publication of an inquiry report which primarily recommends the strengthening of state security presence in affected areas is a matter of real concern.
- **Displacement and humanitarian needs** – The displaced population in Rakhine State is estimated at over 140,000, the overwhelming majority of whom are Rohingya. The lack of adequate shelter, food and clean water, medicine, education, latrines and sanitation, and livelihoods for the affected populations, the acute difficulties faced by aid organisations in reaching those most in need - particularly unregistered persons in makeshift sites - alleged corrupt practices of siphoning off humanitarian supplies, and the lack of adequate shelter arrangements for the monsoon season are all issues of grave concern which have a direct impact on the well-being and chances of survival of those displaced.
- **Statelessness and identity** – The arbitrary deprivation of nationality of the Rohingya under the 1982 Citizenship Act is considered to be a major contributing factor of the present human rights and humanitarian crisis. Additionally, the denial of their ethnic identity and reports of Rohingya being forced to register themselves as ‘Bengali’ have immediate and long-term consequences for Rohingya communities.
- **Segregation and property rights** – The authorities have imposed a policy of segregation, with Rohingya being restricted in separate areas, largely away from economic and commercial centres. Aung Mingalar, the last remaining Muslim neighbourhood in Sittwe, is under threat and effectively cut off from the city around it. The likelihood of this segregation arrangement becoming a long-term reality is high, particularly if the authorities do not meet their obligations to ensure the safety of at-risk populations and to work towards peaceful co-existence, reintegration and safe voluntary return in the short-term. In addition to the obvious human rights concerns over

such restrictions, questions remain unanswered over the property rights of the displaced Rohingya who may not be allowed to access the lands they fled.

- **Discriminatory restrictions on family life** – The discrimination endured by Rohingya over many decades is well documented. Restrictions on marriage, punishment of unauthorised marriages and the non-registration of children born of such marriages are among the most distressing practices which continue to-date. In this context, the recent reaffirmation by the Rakhine state government of the two-child policy for Rohingya families and the statement in support of the policy by Minister of Immigration and Population, Khin Yi, is a particularly serious concern.
- **Freedom of movement** - Rohingya movement has been severely restricted for decades in northern Rakhine State. Since the violence, freedom of movement has been further restricted and Rohingya in central Rakhine State have been trapped in settlements and camps and forced into dependency on humanitarian aid.
- **Crimes against humanity** – Under international law, crimes against humanity are crimes committed as part of a widespread or systematic attack on a civilian population, as a matter of state or organisational policy. The crimes against humanity of forced deportation, forced population transfer and persecution have been well documented in Rakhine State since June 2012, and many such abuses have been committed for decades prior, against the Rohingya population.

In addition to the situation in Rakhine State, over the past year, the Rohingya who fled persecution in Myanmar, have continued to face a lack of protection, as well as hardship and exclusion upon new shores. In June 2012, Bangladesh in contravention of the principle of *non-refoulement* pushed Rohingya asylum seekers back into the sea. Immigration authorities in Bangladesh, Malaysia, Thailand, Indonesia, Sri Lanka and other countries have responded to subsequent refugee exoduses by detaining those who require protection.

The international legal obligations of all countries concerned require them to protect all persons subject to their jurisdictions, regardless of whether they are citizens, stateless persons, asylum seekers or refugees. In its treatment of the Rohingya, Myanmar has violated the right to life, the right to be free from torture or cruel, inhuman or degrading treatment or punishment, the right to liberty and freedom from arbitrary arrest and detention, the right to nationality, the right to food and shelter including the fundamental right to be free from hunger and the right to the highest attainable standard of health. Myanmar must also answer allegations of crimes against humanity being perpetrated by state actors against the Rohingya. Refugee recipient countries including Bangladesh, Malaysia, Thailand, Indonesia and Sri Lanka have also acted in violation of the right to seek and to enjoy asylum and the right to liberty and freedom from arbitrary arrest and detention, and in certain instances, the right not to be subjected to *refoulement*.

The undersigned civil society organisations express deep concern with regard to the human rights and humanitarian abuses that continue to disproportionately affect the Rohingya, jointly speak out on behalf of all victims of violence and abuse, displacement and denial of humanitarian aid in Rakhine State – be they Rohingya, Rakhine or of other ethnic or religious identity; and one year after the violence began, emphatically state that all violence, discrimination and abuse must end now.

To the government of Myanmar, we urge that immediate steps are taken to:

- Facilitate unimpeded humanitarian access to all those affected by conflict regardless of registration status, and take effective action against those who intimidate humanitarian agencies.
- Produce a plan for reconciliation, end movement restrictions, and ensure safe voluntary returns.
- Provide protection to all people living in Rakhine State, end impunity, prosecute all perpetrators of violence and other abuses through a fair judicial system, arrange for immediate release of those who have been arbitrarily detained and provide adequate redress to all victims of violence and injustice.
- Invite the UN Office of the High Commissioner for Human Rights to establish an office.
- Review the 1982 Citizenship Act and other discriminatory laws and practices to ensure that all persons have equal rights and equal access to citizenship and are not discriminated against on grounds of ethnicity.

To the governments of refugee recipient countries, we urge that immediate steps are taken to:

- Protect all refugees and asylum seekers from Myanmar – and take into account the acute and specific protection needs of stateless Rohingya.
- Desist from arbitrarily detaining Rohingya refugees and asylum seekers and attempting to return them to Myanmar in violation of the principle of *non-refoulement*.

To international community, we urge that immediate steps are taken to:

- Insist on protection of minority rights, including the right to nationality, as a pre-requisite to full relations.
- Press the government of Myanmar to present its plans for promoting reconciliation, ending the movement restrictions, and enabling safe voluntary returns in Rakhine State.
- Press the government of Myanmar to act on the recommendations above, including ending impunity and achieving greater accountability and justice.

List of Endorsing Organisations

1. Africa and Middle East Refugee Assistance (Egypt)
2. ALTSEAN - Burma
3. Arab Council Supporting Fair Trials and Human Rights
4. Asia Pacific Refugee Rights Network
5. Association INFO BIRMANIE
6. Association pour la Lutte contre la Pauvreté et le sous Développement (Mauritania)
7. Association Suisse-Birmanie (Switzerland)
8. Benjamin N. Cardozo School of Law, Human Rights and Genocide Clinic (USA)
9. Black Pink Triangle Izmir (Turkey)
10. Burma Campaign Australia
11. Burma Campaign UK
12. Burma Partnership
13. Burmese Rohingya Association of Japan
14. Burmese Rohingya Association of North America
15. Burmese Rohingya Association of Thailand
16. Burmese Rohingya Community in Australia
17. Burmese Rohingya Community in Denmark
18. Burmese Rohingya Organisation UK
19. Center for Informative and Legal Aid – Zvornik (Bosnia and Herzegovina)
20. Christian Solidarity Worldwide
21. Civic Bangladesh
22. Detention Action (UK)
23. Fahamu Refugee Programme
24. Federation of Women Lawyers(Kenya)
25. Fortify Rights International
26. Forum for Women, Law and Development (Nepal)
27. Foundation for Rural Development (Pakistan)
28. Free Burma Campaign (South Africa)
29. Freedom House
30. Frontiers Ruwad Association (Lebanon)
31. Gonggam Human Rights Law Foundation (Republic of Korea)
32. Health Equity Initiatives (Malaysia)
33. Human Rights Education Institute of Burma (Thailand)
34. Human Rights Organisation of Nepal
35. Human Rights Watch
36. Humanitarian Aid Relief Trust
37. Initiative for Development and Empowerment Axis (Pakistan)
38. Institute for Asian Democracy
39. International Detention Coalition
40. International Observatory on Statelessness
41. Japan Association for Refugees
42. Jesuit Refugee Service

43. Journalists for Human Rights (Sudan)
44. Lawyers for Human Rights (South Africa)
45. Lawyers for Liberty (Malaysia)
46. Lawyers Group for Burmese Asylum Seekers in Japan
47. Loyola College Chennai, Department of Social Work (India)
48. Minority Rights Group International
49. Odhikar (Bangladesh)
50. Organization for Defending Victims of Violence (Islamic Republic of Iran)
51. Partners Relief & Development (Norway)
52. Physicians for Human Rights (USA)
53. Praxis (Serbia)
54. Project Maje (USA)
55. Protect The Rohingya (South Africa)
56. Refugee Council of Australia
57. Refugees International
58. Restless Beings (UK)
59. Rohingya Association in Canada
60. Rohingya Community in Norway
61. Rohingya Society of Malaysia
62. Society for Threatened Peoples (Germany)
63. Society for Threatened Peoples (Switzerland)
64. Solidarity for Asian Peoples' Advocacy Working Group on ASEAN
65. South East Asian Committee for Advocacy
66. Stateless Network (Japan)
67. Swedish Burma Committee
68. Taiwan Association for Human Rights
69. Tenaganita (Malaysia)
70. Thai Committee for Refugees Foundation (Thailand)
71. The Arakan Project
72. The Cordoba Foundation
73. The Equal Rights Trust
74. The European Rohingya Council
75. U.S. Campaign for Burma
76. Yayasan Lembaga Bantuan Hukum (Indonesia)