



**Testimony of the Hon. Thomas H. Andrews  
President and CEO of United to End Genocide  
U.S. House of Representatives Committee on Foreign Affairs  
Subcommittee on Asia and the Pacific  
“Burma’s Challenge: Democracy, Human Rights, Peace, and the Plight of the Rohingya”  
October 21, 2015**

Chairman Salmon, Ranking Member Sherman, and Members of the Committee:

Thank you for holding this important and timely public hearing. Burma’s national elections, now just weeks away, provide an important window into where things stand with Burma’s process of democratic reform and the promises that government leaders made to its people and the world at the outset of that reform. It is also an opportunity to examine and assess U.S. policy.

Five years ago many of us celebrated the release of Aung San Suu Kyi from house arrest and her entry into Burma’s political process as a political party leader and as a Member of Parliament. Her release and election made it possible for her to travel internationally for the first time in many years. Her freedom allowed her to personally accept her Nobel Peace Prize in Oslo as well as the Congressional Gold Medal here in Washington.

Her release and election were coupled with the release of thousands of political prisoners, new press freedoms, and the promise of a reformed constitution and transition to democracy. These much-welcomed reforms followed a period of controversial but sustained international economic and diplomatic pressure that was lead by the United States.

As the government of Burma initiated these reforms, the Obama Administration swiftly lifted most of the economic sanctions and diplomatic pressure that it had imposed. Diplomatic channels were opened along with the U.S. Embassy and the appointment of a U.S. Ambassador. Economic exchanges began as did military-to-military engagement with an invitation for military leaders of Burma to observe regional Cobra Gold military exercises. President Obama made two trips to Burma and welcomed Burmese President Thein Sein to the White House.

Now, years later, the people of Burma – or more accurately those who are fortunate enough to be eligible to vote – will go to the polls to express their assessment of the past five years and the direction that they want their nation to go. It is also an opportune time for Congress to assess U.S.-Burma policy and the direction that it should go in light of this assessment.

While Burma's reforms of five years ago were historic, the fact is that since the lifting of U.S.-led pressure, progress has not only slowed in certain areas of reform, it has been reversed in others. Here is where we are today:

- Hundreds of thousands of people who voted in the last election have been disenfranchised.<sup>1</sup>
- The military is constitutionally guaranteed 25 percent of parliamentary seats and therefore has veto power over any proposals to reform the constitution.
- Aung San Suu Kyi remains barred from running for president.
- Freedom of the press has taken a turn for the worse.<sup>2</sup>
- Two activists are currently being held for Facebook posts critical of the army, including the husband of May Sabe Phyu who was awarded the International Women of Courage Award by the U.S. State Department this year.
- Political prisoners are being newly detained with at least 91 prisoners of conscience currently imprisoned while hundreds of activists await trial for their peaceful political activities.<sup>3</sup>
- In Kachin and Shan states, human rights groups have documented widespread and systematic torture, killings, forced population transfers, persecution, and other international crimes by Burma authorities that they have concluded constitute war crimes and crimes against humanity under international law.<sup>4</sup>
- Ongoing persecution of a million ethnic Rohingya Muslims puts Burma at the top of the list of countries most likely to see mass killings and even genocide, according to the United States Holocaust Memorial Museum.<sup>5</sup>

It is the treatment of minorities that is most troubling. Kachin, Shan, and other ethnic minority groups suffer from ongoing fighting and serious human rights violations. Christians, Muslims, and other religious minorities face widespread discrimination and restrictions. The Rohingya Muslim minority faces persecution and the risk of genocide.

Some 100,000 people remain displaced in Kachin and Shan states as fighting and grave abuses continue. The Thailand-based group Fortify Rights recently documented widespread and systematic torture, killings, forced population transfers, persecution, and other international crimes by Burma authorities.<sup>6</sup> A Member of Parliament from Kachin State in Burma, Daw Doi Bu, recently reported Buddhist temples being built on the ruins of destroyed churches.

---

<sup>1</sup> The Carter Center, "Preliminary Findings of The Carter Center Expert Mission to Myanmar April - July 2015". [http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/myanmar-081915-en.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/myanmar-081915-en.pdf)

<sup>2</sup> Freedom House, *Freedom of the Press 2015*. <https://freedomhouse.org/report/freedom-press/2015/myanmar>

<sup>3</sup> Amnesty International, *Myanmar: 'Going Back to the Old Ways': A New Generation of Prisoners of Conscience in Myanmar*. 7 October 2015. <https://www.amnesty.org/en/latest/news/2015/10/myanmar-almost-100-prisoners-of-conscience-behind-bars-ahead-of-elections-following-intensifying-repression/>

<sup>4</sup> Fortify Rights, *Submission to the United Nations Universal Periodic Review: Myanmar*. 23<sup>rd</sup> Session, November 2015. September 2015. [http://www.fortifyrights.org/downloads/FR\\_UPR%20Submission\\_September\\_2015.pdf](http://www.fortifyrights.org/downloads/FR_UPR%20Submission_September_2015.pdf)

<sup>5</sup> Early Warning Project of the U.S. Holocaust Memorial Museum's Simon-Skjodt Center for the Prevention of Genocide and the Dickey Center for International Understanding at Dartmouth College, "Which Countries Are Most Likely to Suffer Onsets of State-Led mass Killing in 2015", September 21, 2015. <http://www.earlywarningproject.com/2015/09/18/2015-statistical-risk-assessment>

<sup>6</sup> Fortify Rights, *Submission to the United Nations Universal Periodic Review: Myanmar*. 23<sup>rd</sup> Session, November 2015. September 2015. [http://www.fortifyrights.org/downloads/FR\\_UPR%20Submission\\_September\\_2015.pdf](http://www.fortifyrights.org/downloads/FR_UPR%20Submission_September_2015.pdf)

Burma continues to be designated as a “Country of Particular Concern” (CPC) under the International Religious Freedom Act for having engaged in or tolerated particularly severe violations or abuses of religious freedom. The latest State Department report on International Religious Freedom, released just a few days ago, states “Muslim, Christian, and other religious minorities faced physical abuse, arbitrary arrest and detention, restrictions on religious practice and travel, and discrimination in employment and access to citizenship.”<sup>7</sup>

A movement of extremist nationalist Buddhists, the “Association to Protect Race and Religion” or Ma Ba Tha, is gaining strength across Burma, feeding on a campaign of fear and bigotry. Four “Race and Religion Protection Bills” were passed by the Parliament and signed into law by the President, mainly targeting Muslims in restricting rights to marry, convert religions, and have children.

Some have argued for patience: “Rome wasn’t built in a day”, they have argued. But Mr. Chairman, in vitally important areas – including those that are a matter of life and death for thousands of innocent people – conditions are deteriorating, not progressing. The dynamics behind them are far more sinister and, as I have stated elsewhere, put Burma on the road to genocide.

Over a million ethnic Rohingya Muslims have faced decades of persecution and continue to be denied fundamental rights, including the right to self-identify. The government of Burma continues to deny them citizenship or to acknowledge that the Rohingya even exist, despite the fact that many have lived in Burma for many generations. Some 140,000 Rohingya have been living in camps for the past three years that have been described as open air prisons, with limited rights to movement, education, and basic medical care. In March 2014, the government kicked out Nobel laureate group Doctors Without Borders (MSF) and its hundreds of employees working throughout Rakhine state. This resulted in the denial of critical medical services. As a direct result, untold numbers of Rohingya perished. While the group has been allowed back in following an international outcry, Doctors Without Borders can only operate at a much lower scale and with severe restrictions that prohibit it from meeting urgent health care needs.

I have visited the camps of displaced Rohingya several times in the last few years. In early 2014, we at United to End Genocide released a report “The March to Genocide in Burma” warning that nowhere in the world were there more known precursors to the world’s worst crime.<sup>8</sup> I have been back several times since and have witnessed conditions getting even worse. I am not alone in this assessment.

Earlier this year the U.S. Holocaust Memorial Museum’s Simon-Skjodt Center for the Prevention of Genocide sent a delegation on a fact finding trip to Burma and came to a similar conclusion, warning of “grave risk of additional mass atrocities and even genocide”.<sup>9</sup>

---

<sup>7</sup> U.S. Department of State, Bureau of Democracy, Human Rights and Labor, *International Religious Freedom Report for 2014*, October 2015. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

<sup>8</sup> United to End Genocide, *Marching to Genocide in Burma: Fueled by Government Action and a Systematic Campaign of Hate Aided and Abetted by the Diverted Eyes of the World*. March 24, 2014. <http://endgenocide.org/marching-genocide-burma-2/>

<sup>9</sup> “They Want Us All to Go Away”: *Early Warning Signs of Genocide in Burma*. United States Holocaust Memorial Museum Simon-Skjodt Center for the Prevention of Genocide, May 2015. <http://www.ushmm.org/m/pdfs/20150505-Burma-Report.pdf>

The Museum's Early Warning Project, a sophisticated system combining statistical risk assessment and expert input publicly launched just last month to calculate the countries at highest risk of mass killing. The country at the very top of that list, by a long shot, is Burma.<sup>10</sup>

This is not just a Burma issue. It has strong regional economic and security implications, something the U.S. administration should be keenly aware of in its pivot to Asia. A few weeks ago, a delegation of Members of Parliament from countries across Southeast Asia, came to the United States carrying this very message. The group, ASEAN Parliamentarians for Human Rights (APHR), has carried out two fact-finding missions to Burma in recent months producing a report released ahead of the ASEAN Summit in April titled "The Rohingya Crisis and the Risk of Atrocities in Myanmar: An ASEAN Challenge and Call to Action".<sup>11</sup> I was honored to accompany them on one of these trips. This past Friday, their latest report "Disenfranchisement and Desperation in Myanmar's Rakhine State: Drivers of a Regional Crisis" warned that continued exclusionary government policies, including mass disenfranchisement of Rohingya, is exacerbating the desperation within Rohingya communities and that "Unless ASEAN addresses the situation in Rakhine State directly, more Rohingya will continue to try and leave the country by any means necessary."<sup>12</sup> I am including that important report with my written testimony.

The flight of the Rohingya is driving a regional refugee crisis and human trafficking epidemic. The UN Refugee Agency (UNHCR) estimates that some 94,000 people left on boats from Rakhine State and Bangladesh between January 2014 and June 2015 and half of those are believed to be Rohingya. In May, over one hundred mass graves were found in trafficking camps along the Thai-Malaysia border, many of the victims Rohingya. The ensuing crackdown on trafficking resulted in thousands of Rohingya and other migrants and asylum seekers being abandoned on rickety boats in what threatened to become a mass atrocity at sea. The region's initial response was to turn the boats full of desperate people away. The world was slow to act and scores are believed to have died. The crisis forced the region to deal with a humanitarian disaster that was being driven by the ongoing systematic discrimination and brutal repression in Burma. Summits were held and rescue efforts begun to deal with the immediate crisis. The onset of the monsoon season helped to stem the flow of boats, but the fate of thousands of refugees who Southeast Asian countries agreed to take in for up to a year is unclear. Meanwhile, nothing has been done to address the conditions that have driven this crisis.

Today, as the monsoon season ends the threat of a new sea exodus looms. UNHCR has appealed to states to take "urgent action before the end of the monsoon season unleashes a new wave of people leaving on boats."<sup>13</sup> APHR is similarly warning, "The next wave of refugees is coming" and "it is clear that another crisis looms if ASEAN leaders and their international counterparts fail to act to prevent it". At the root of this problem is the treatment of the Rohingya in western Burma. As long as the root cause of much of this exodus remains, the region will continue to face this seasonal atrocities threat.

---

<sup>10</sup> Early Warning Project of the U.S. Holocaust Memorial Museum's Simon-Skjoldt Center for the Prevention of Genocide and the Dickey Center for International Understanding at Dartmouth College, "Which Countries Are Most Likely to Suffer Onsets of State-Led mass Killing in 2015", September 21, 2015.

<sup>11</sup> ASEAN Parliamentarians for Human Rights, *The Rohingya Crisis and the Risk of Atrocities in Myanmar: An ASEAN Challenge and Call to Action*, April 2015. <http://aseanmp.org/wp-content/uploads/2015/08/The-Rohingya-Crisis-and-the-Risk-of-Atrocities-in-Myanmar-An-ASEAN-Challenge-and-Call-to-Action.pdf>

<sup>12</sup> ASEAN Parliamentarians for Human Rights, *Disenfranchisement and Desperation in Myanmar's Rakhine State: Drivers of a Regional Crisis*, October 2015. [http://aseanmp.org/wp-content/uploads/2015/10/APHR\\_Rakhine-State-Report.pdf](http://aseanmp.org/wp-content/uploads/2015/10/APHR_Rakhine-State-Report.pdf)

<sup>13</sup> The UN Refugee Agency (UNHCR), "UNHCR Urges States to Help Avert Bay of Bengal Boat Crisis in Coming Weeks", Briefing Notes, August 28, 2015. <http://www.unhcr.org/55e063359.html>

The U.S. government knows all of this. It has spoken out against the disenfranchisement, the hate speech campaigns, and the discrimination against the Rohingya. But these messages are muddled by countervailing actions and reluctance to use what leverage the U.S. government has left. There has been little accountability for Burma's backsliding.

In 2012, President Obama made his first historic visit to Burma and received 11 commitments from President Thein Sein to deepen democracy and protect human rights. Six months later, President Obama welcomed Thein Sein to the White House where he reiterated those commitments. Now, three years later, only one of those commitments (to sign on to a UN nuclear agreement) has been wholly fulfilled. Commitments to release political prisoners and to combat human trafficking remain empty rhetoric. Commitments to address the situations in Rakhine state and ethnic minority areas, including granting international humanitarian access, have been virtually ignored. Even the most basic commitment to allow for the opening of a United Nations Office of the High Commissioner for Human Rights remains unfulfilled.

The United States has also experienced the relentless pushback of the government of Burma against the rights and recognition of the Rohingya. The government of Burma has demanded that no foreign officials use the word Rohingya, the preferred term with which this ethnic minority chooses to identify. When Secretary of State John Kerry visited Burma in August 2014 he complied and did not say the word Rohingya publicly. United to End Genocide launched a #JustSayTheirName online campaign garnering global attention and support to ensure that President Obama used the term when he made his second trip to the country in November 2014.

While the United States has paused any further military-to-military cooperation, it has been unclear about the benchmarks that would need to be met before such cooperation could start again. Will a "good enough" election open the door or will Burma need to meet its already agreed upon commitments?

Accountability is key. Reforms should be met with further engagement, but when those reforms backslide they should be met with a corresponding return of pressure. The U.S. government has at least two key points of leverage remaining – sanctions and the withholding of further economic incentives. But even these are being underutilized.

The United States maintains the tool of targeted sanctions against individuals found to have participated in human rights abuses related to political repression in Burma. Yet, somehow, despite a rapid uptick in egregious abuses over the past few years, not one living person has been added to the Specially Designated Nationals (SDN) list for such targeted sanctions. Infamous former military strongman Aung Thaung was added last year but passed away this summer. The most recent amendments have actually been to remove individuals from the list. In August, House Foreign Affairs Committee Chairman Ed Royce and Ranking Member Eliot Engel sent the Secretary of the Treasury a letter urging that he "use this important tool to respond to human rights abuses in Burma" and warning that "the failure to do so undermines U.S. policy of promoting democratic reforms and human rights."<sup>14</sup> They have yet to receive an answer.

---

<sup>14</sup> House Committee on Foreign Affairs Chairman Ed Royce, "Chairman Royce, Ranking Member Engel Urge Treasury Department to Address Escalating Human Rights Abuses in Burma", August 12, 2015.

Incentives like the General System of Preferences (GSP) designation that would offer trade benefits to Burma should be withheld until verifiable and irreversible progress is made. It should go without saying that further military-to-military cooperation should be frozen until the grave concerns listed in this testimony are addressed. Further economic and diplomatic interactions should further be questioned if the abuses continue.

The voice of the U.S. Congress has been important. I thank this important Subcommittee and the full House Foreign Affairs Committee for passing House Resolution 418 “Urging the Government of Burma to end the persecution of the Rohingya people and respect internationally recognized human rights for all ethnic and religious minority groups within Burma.” I can assure you that the government of Burma takes note. I was in the country when debate was taking place and pictures I had taken in the Rohingya camps were displayed on the Floor of the House. What I heard from those I met with and what I saw in the local press confirmed that officials and civil society in Burma pay attention when the U.S. Congress speaks.

Let me end with a very stark example of what is happening in Burma today. U Shwe Maung is a sitting Member of Parliament in Burma. He was elected in the 2010 elections. His father was a high-ranking officer in the national police. But U Shwe Maung will not be able to run for re-election on November 8<sup>th</sup>. His right to run for re-election was stripped from him just a few weeks ago and he has been denied the opportunity to present evidence in his defense despite multiple appeals. The reason given by authorities was that U Shwe Maung’s parents were not citizens (a fact U Shwe Maung says he can prove untrue), but the real reason, as U Shwe Maung told the U.S. Congress’ Tom Lantos Human Rights Commission when he visited a couple of weeks ago, is that “the denial is not for what I did in the Parliament but for who I am”. U Shwe Maung is an ethnic Rohingya representing a predominantly Muslim region in western Burma. Now, as he told me, he is a museum piece. He has been stripped of his right to run for re-election, the right to vote and the right to citizenship. Many other candidates hoping to run have been rejected for suspect reasons, a large proportion of them Muslim. As mentioned earlier, hundreds of thousands who voted in the last elections will not be allowed to vote on November 8<sup>th</sup> simply because of their ethnic and religious identity.

The elections which will take place in a few weeks have no chance of being free, fair, credible, inclusive, transparent, or any of the other buzz words monitors will be throwing around in the coming days. In fact, indications leading up to the elections suggest the situation may become worse. In addition to the blocked voters and candidates, several areas of the country risk having polling stations shut down for security reasons. Voting list errors have been widely reported, already casting serious doubt on the process. The extremist nationalist Ma Ba Tha group has been described as the most powerful political force in Burma’s elections and its growing strength threatens even more draconian measures against the Rohingya and other Muslims in the future.

It is very important that the United States and the international community is clear about what the upcoming election in Burma is and is not. It will clearly NOT be a free, fair, credible, or transparent election. Whatever happens on the day of the balloting, the fact that so many citizens of Burma are being systematically excluded and disenfranchised from voting – based on their ethnicity and religion – means that this election is not fair or credible and should not be recognized as such.

---

<https://foreignaffairs.house.gov/press-release/chairman-royce-ranking-member-engel-urge-treasury-department-address-escalating-human>

The elections do, however, provide an opportunity for the United States and the international community to put a spotlight on conditions in Burma that have deteriorated since the last election. Burma's leaders seek international legitimacy and care what the world says about the elections. It is critical that the Obama Administration and the U.S. Congress speak out that if the backsliding continues and egregious abuses are not addressed, then U.S. policy will be adjusted accordingly.

As U Shwe Maung said before the Tom Lantos Human Rights Commission, "I would like to request the Congress, the White House, and the whole international community to speak up and to give required pressure to our government so that there are no more persecuted people in Myanmar [Burma]."

I join U Shwe Maung in calling upon Members of Congress to exercise their oversight of U.S. policy on Burma including taking action through legislation and other means so that it is clear that we care deeply about the deteriorating conditions in Burma, particularly egregious policies that marginalize, disenfranchise, and threaten so many innocent people whose only offense is their ethnicity and the God they pray to.

The facts on the ground demand a fundamental reexamination of U.S. policy on Burma.