

# CONGRESSIONAL TESTIMONY

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## **“Human Rights in Southeast Asia: A Regional Outlook”**

### **Advancing Values in the Indo-Pacific Strategy by Promoting Human Rights in Southeast Asia**

#### **Testimony before the Subcommittee on Asia, the Pacific, and Nonproliferation House Foreign Affairs Committee**

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#### **The Need to Promote Values in the Indo-Pacific**

The Trump Administration inaugurated the Free and Open Indo-Pacific strategy in 2017. There are several notable features of the strategy, the most obvious of which is that it identifies South Asia, especially India, as falling under the purview of U.S. strategy toward Asia.

The second most notable feature of the Indo-Pacific strategy are the two modifiers affixed to it. According to Alex Wong in a briefing<sup>1</sup> on the Indo-Pacific strategy, “free” means promoting sovereignty of the U.S. and individual countries in Asia, freedom from coercion, and promoting human rights. “Open” means open communications, including Sea Lines of Communication, open investment, and open trade. Both modifiers relate directly to U.S. commitment to values.

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<sup>1</sup> Alex N. Wong, “Briefing on the Indo-Pacific Strategy,” Bureau of East Asian and Pacific Affairs, U.S. State Department, April 2, 2018, <https://www.state.gov/briefing-on-the-indo-pacific-strategy/> (accessed May 21, 2019).

In a *Washington Post* op-ed, Vice President Mike Pence, put a finer point on it, explaining that the Indo–Pacific strategy supports

transparent and responsive government, the rule of law and the protection of individual rights, including religious freedom. Nations that empower their citizens, nurture civil society, fight corruption and guard their sovereignty are stronger homes for their people and better partners for the United States. Conversely, nations that oppress their people often violate their neighbors’ sovereignty as well. Authoritarianism and aggression have no place in the Indo–Pacific region.<sup>2</sup>

As the strategy has taken shape, the security (and to some extent) the economic aspects of U.S. commitments in the Indo–Pacific strategy materialized. However, the values component of the strategy remains grossly under-developed.

In Southeast Asia, the U.S. has the opportunity to turn its rhetorical commitments to values into reality. The 10 countries of the Association of Southeast Asian Nations (ASEAN), in fact, commit some of the world’s most significant human rights violations. From less-than-fair 2019 elections in Thailand to a brutal drug war that led to the death of anywhere from 12,000 to 27,000 people—and counting—in the Philippines, there can be no doubt that governments in the region have found myriad of ways of infringing on human rights.<sup>3</sup>

There are few countries in Asia with worse human rights track records than Burma or Cambodia. These two countries, in particular, provide an excellent opportunity for the Administration to put rhetorical commitments to the test, and may serve as invaluable opportunities to craft more purposeful, strategic policies to address severe human rights violations in Asia.

Throughout the remainder of my testimony, I want to take stock of what the U.S. has done so far to remedy the collapse of democratic norms in Cambodia, and respond to ongoing human rights violations in Burma after the Burmese military committed genocide against Rohingya in 2017. Then, I want to discuss how the U.S. can demonstrate its commitment to promoting freedom in the Indo–Pacific by prioritizing efforts to alleviate suffering in Burma and Cambodia.

## **The Collapse of Democracy in Cambodia**

### *The Current Situation*

It is difficult to describe Cambodia as a democracy today. The July 2018 elections, which were neither free nor fair, solidified Cambodia’s descent into one-party rule.

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<sup>2</sup> Mike Pence, “The United States Seeks Collaboration, Not Control, in the Indo–Pacific,” *The Washington Post*, November 9, 2018, [https://www.washingtonpost.com/opinions/mike-pence-the-united-states-seeks-collaboration-not-control-in-the-indo-pacific/2018/11/09/1a0c330a-e45a-11e8-b759-3d88a5ce9e19\\_story.html?utm\\_term=.733b0de7d2c7](https://www.washingtonpost.com/opinions/mike-pence-the-united-states-seeks-collaboration-not-control-in-the-indo-pacific/2018/11/09/1a0c330a-e45a-11e8-b759-3d88a5ce9e19_story.html?utm_term=.733b0de7d2c7) (accessed May 21, 2019).

<sup>3</sup> Human Rights Watch, “Philippines’ ‘War on Drugs,’” <https://www.hrw.org/tag/philippines-war-drugs> (accessed July 24, 2019), and “Philippines Drugs War: UN Votes to Investigate Killings,” BBC, July 11, 2019, <https://www.bbc.com/news/world-asia-48955153> (accessed July 24, 2019).

Election day was marred by corruption that included falsified election-turnout statistics and voter intimidation at the polls.<sup>4</sup> In the face of election boycotts, Prime Minister Hun Sen threatened to punish non-voters.<sup>5</sup> Post-election, the Cambodian National Election Committee (NEC) claimed a voter turnout of more than 82 percent, a close to 20 percent increase over 2013 elections.<sup>6</sup> This statistic “did not correspond with the sight of empty polling stations and residents walking around with fingers untouched by the ink used to denote those who voted.”<sup>7</sup> Of the ballots cast, the NEC claims that 8.4 percent of ballots were spoiled, or cast improperly as a protest vote by ordinary Cambodians who felt they could not support the direction the ruling party is taking the country.<sup>8</sup>

Sham elections came on the heels of the Cambodian Supreme Court’s decision to dissolve the main opposition Cambodia National Rescue Party (CNRP) in November 2017. The opposition’s dissolution came on the heels of the arrest of opposition leader Kem Sokha in September 2017. He remains under house arrest. Shortly after Kem Sokha’s arbitrary detention and the dissolution of the CNRP, more than 100 parliamentarians and opposition leaders fled the country. With the primary opposition immobilized, Hun Sen paved the way to a guaranteed victory in July 2018, extending his nearly 35 years as prime minister for another five years.

Hun Sen brazenly destroyed democracy in Cambodia. He was even quoted by the Associated Press and in *The Wall Street Journal* saying that he would rule the country for another ten years and then retire.<sup>9</sup> Since the 2018 elections, he has continued to rule the country through thuggish intimidation. Crackdowns on civil society largely continue, and opposition parliamentarians who fled at the end of 2017 still feel unsafe to return to the country, even after nearly two years living in exile.

Hun Sen’s intimidation tactics have left the CNRP without clear leadership and in search of a strategy. Without a clear opposition, or leadership that directly counters Hun Sen’s authoritarian tactics inside the country, he is likely to get his way, and will rule the country for the next 10 years—if not longer. Even if Hun Sen is unseated or willingly relinquishes power, the question remains: Who and what party will rule Cambodia next? Early indicators suggest that some form of dynastic rule may take root, with Hun Sen intimating that his son is next in line.<sup>10</sup>

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<sup>4</sup> Prak C. Thul and Tom Allard, “Cambodia’s Ruling Party Claims Victory in Much-Criticized Election,” Reuters, July 28, 2018, <https://www.reuters.com/article/us-cambodia-election/polls-open-in-cambodias-general-election-idUSKBN1KJ005> (accessed August 6, 2018).

<sup>5</sup> Sopheng Cheang and Jerry Harmer, “Cambodia’s Hun Sen Coasts to Win After Opposition Silenced,” NBC Washington, July 29, 2018, <https://www.nbcwashington.com/news/politics/Cambodians-Vote-in-Election-with-Main-Opposition-Silenced-489447391.html> (accessed August 6, 2018).

<sup>6</sup> Hannah Beech, “Cambodia Re-Elects Its Leader, a Result Predetermined by One,” *The New York Times*, July 29, 2018, <https://www.nytimes.com/2018/07/29/world/asia/cambodia-election-hun-sen.html> (accessed August 6, 2018).

<sup>7</sup> Ibid.

<sup>8</sup> Prak C. Thul, “Spoilt Cambodian Ballot Papers Seen as Protest over ‘Sham’ Election,” Reuters, July 30, 2018, <https://www.reuters.com/article/us-cambodia-election-spoilt/spoilt-cambodian-ballot-papers-seen-as-protest-over-sham-election-idUSKBN1KK184> (accessed August 6, 2018).

<sup>9</sup> “Cambodian Strongman Hun Sen Says ‘Don’t Be Jealous’ of His Longevity,” *The Wall Street Journal*, September 6, 2017, <https://www.wsj.com/articles/cambodias-leader-plans-to-stay-in-office-for-next-decade-1504688173> (accessed July 24, 2019).

<sup>10</sup> Charles Dunst, “Can Hun Sen Pass Power to His Children?” Council on Foreign Relations, December 20, 2018, <https://www.cfr.org/blog/can-hun-sen-pass-power-his-children> (accessed July 24, 2019).

In addition to political upheaval in the country, concerns have deepened about China's influence in Cambodia. According to a report in *The Wall Street Journal*, China signed a secret naval base-sharing agreement with Cambodia: "The pact—signed this spring but not disclosed by either side—gives China exclusive rights to part of a Cambodian naval installation on the Gulf of Thailand, not far from a large airport now being constructed by a Chinese company."<sup>11</sup>

The alleged base-sharing agreement between China and Cambodia was a 30-year lease that automatically renews every 10 years and could amplify the threat that China poses to freedom of navigation in the South China Sea.<sup>12</sup> At minimum, the base increases China's ability to enforce its disputed claim to certain parts of the South China Sea.

Cambodia's trend toward authoritarianism may be emboldened by support from Chinese partners. There is nothing inherently wrong with Cambodia, or any other Southeast Asian nation, doing business with China. In fact, few countries in Southeast Asia respond positively when pressed to choose between the U.S. or China as an economic partner. Countries in Southeast Asia will most likely continue to engage the two economic powerhouses—the U.S. and China—for the foreseeable future. Strategic military cooperation, however, is another matter altogether.

The U.S. should view Cambodia as a battleground for values—perhaps even as a litmus test for whether Southeast Asia is trending toward democracy or authoritarianism. Cambodia has strayed far from the democratic path it once committed to. After Cambodia assented to the Paris Peace Agreement on October 23, 1991, the U.S. and 18 other international signatories agreed to "promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia."<sup>13</sup> The agreement also ensured the "the right to self-determination of the Cambodian people through free and fair elections."<sup>14</sup> In this regard, signatories have a continuing obligation to assist Cambodia when the political process falters, as it is so visibly is today.

### *The U.S. Response to Political Upheaval in Cambodia*

The U.S. response to political turmoil in Cambodia has been inconsistent at best, haphazard at worst. The initial response to Kem Sokha's arrest was tepid, though subsequent calls for his release have increased in strength, particularly after the dissolution of the opposition.

On December 6, 2017, the U.S. Department of State restricted travel for "individuals involved in undermining democracy in Cambodia."<sup>15</sup> The statement accompanying the visa ban suggested that there might be additional actions if conditions worsen. It also communicated that the visa ban could

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<sup>11</sup> Gordon Lubold, Jeremy Page, and Rob Taylor, "Deal for Naval Outpost in Cambodia Furthers China's Quest for Military Network," *The Wall Street Journal*, July 22, 2019, <https://www.wsj.com/articles/secret-deal-for-chinese-naval-outpost-in-cambodia-raises-u-s-fears-of-beijings-ambitions-11563732482> (accessed July 24, 2019).

<sup>12</sup> Ibid.

<sup>13</sup> United States Institute of Peace, "Agreement on a Comprehensive Political Settlement of the Cambodia Conflict," Part I, Section II, United National Transitional Authority in Cambodia, 1991, [http://www.usip.org/sites/default/files/file/resources/collections/peace\\_agreements/agree\\_comppol\\_10231991.pdf](http://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/agree_comppol_10231991.pdf) (accessed August 3, 2018).

<sup>14</sup> Ibid.

<sup>15</sup> U.S. Department of State, "Visa Restrictions on Individuals Responsible for Undermining Cambodian Democracy," December 6, 2017, <https://www.state.gov/visa-restrictions-on-individuals-responsible-for-undermining-cambodian-democracy/> (accessed July 24, 2018).

be rolled back if conditions, such as recognizing the CNRP as the legitimate opposition and releasing Kem Sokha, are met.

The Cambodian government has repeatedly communicated that it did not believe that the U.S. would institute sanctions or a visa ban, so this action, as well as future action should make clear that there will be no impunity for persons who erode democracy.

Prior to the July 2018 elections, the U.S. took its strongest action yet. On July 12, 2018, the U.S. Department of the Treasury sanctioned Cambodian General Hing Bun Hieng for his complicity in serious human rights violations.<sup>16</sup> He is head of the body guard unit that effectively serves as Hun Sen's private army. In 1997, he allegedly oversaw a unit that killed 16 people and injured 100 more, including an American, in a grenade attack.<sup>17</sup> This incident is characteristic of his brutality. His designation was the first time that a Cambodian was sanctioned under Global Magnitsky authorities. Global Magnitsky permits the Treasury and the State Department to sanction individuals and entities on grounds of human rights violations and corruption.<sup>18</sup>

Many saw this notable action as a warning shot fired prior to the elections—a signal to Hun Sen that he should get his act together or face consequences. Hing Bun Hieng's designation was also seen as a follow-up to the visa ban instituted in December 2017, when the U.S. promised that further actions would follow if Cambodia's political system continued to falter.

Given this important designation, many anticipated that the Treasury and the State Department had a strong response lined up when 2018 elections were neither free nor fair. The U.S. did not certify Cambodia's elections and issued a strong statement, once again promising more actions:

The United States will consider additional steps to respond to the elections and other recent setbacks to democracy and human rights in Cambodia, including a significant expansion of the visa restrictions announced on December 6, 2017. In the meantime, we call on the Cambodian government to take tangible actions to promote national reconciliation by allowing independent media and civil society organizations to fulfill their vital roles unhindered, immediately releasing Kem Sokha and other political prisoners, and ending the ban on the political opposition.<sup>19</sup>

It has now been a year since the flawed 2018 elections, yet the executive branch has taken no additional actions. This is both a failure to follow through on promises after the 2018 elections, and a failure to uphold commitments made in 1991 to hold Cambodia accountable when democracy deteriorates, or in this case, disappears.

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<sup>16</sup> News release, "Treasury Sanctions Two Individuals and Five Entities Under Global Magnitsky," U.S. Department of the Treasury, June 12, 2018, <https://home.treasury.gov/news/press-releases/sm0411> (accessed July 24, 2019).

<sup>17</sup> News release, "Cambodia: 1977 Grenade Attack on Opposition Still Unpunished," Human Rights Watch, March 30, 2009, <https://www.hrw.org/news/2009/03/30/cambodia-1997-grenade-attack-opposition-still-unpunished> (accessed July 24, 2019).

<sup>18</sup> Olivia Enos, "Cambodia's Democracy in Shambles Ahead of July Elections," *Forbes*, July 5, 2018, <https://www.forbes.com/sites/oliviaenos/2018/07/05/cambodias-democracy-in-shambles-ahead-of-july-elections/#116f9794571a> (accessed July 24, 2018).

<sup>19</sup> News release, "Statement from the Press Secretary on Cambodia's Flawed Parliamentary Elections," The White House, July 29, 2018, <https://www.whitehouse.gov/briefings-statements/statement-press-secretary-cambodias-flawed-parliamentary-elections/> (accessed July 24, 2019).

In contrast to the executive branch, Congress has undertaken a number of important initiatives, including the recently passed Cambodia Democracy Act of 2019, which was introduced by a member of the subcommittee, Representative Ted Yoho (R–FL) and passed the House of Representatives last week.<sup>20</sup> It now awaits approval in the Senate. If passed, the bill would target top members of the Cambodian government for violating democratic norms and human rights. The legislation was previously introduced and passed the House in the 115th Congress.

Congress is also considering the Cambodia Trade Act of 2019, which would require the U.S. government to evaluate Cambodia’s fitness to continue receiving Generalized System of Preferences (GSP) trade status.<sup>21</sup> Originally introduced in the Senate by Ted Cruz (R–TX) and Chris Coons (D–DE), the legislation does not mandate that the U.S. government revoke GSP, but merely evaluates whether Cambodia still merits receiving preferential trade status. The bill was partially introduced in response to the European Union’s decision in February to temporarily suspend Cambodia’s Everything But Arms (EBA) trade status.<sup>22</sup> In February 2020, the EU will decide whether to revoke Cambodia’s EBA status permanently. If this happens, it may have devastating impacts on Cambodia’s economy.

While there is some encouraging movement in Congress, action in the executive branch seems stalled. The U.S. government should see Cambodia as a part of its broader strategy to promote democratic values, in particular by thwarting the rise of authoritarianism in the region, and view it as a broader part of commitments to advance democracy and human rights in the Indo–Pacific strategy.

## **Responding to Atrocities in Burma**

### *The Current Situation*

Since August 2017, more than 750,000 Rohingya, the Burmese Muslim minority, have been displaced after the Burmese military responded with disproportionate force to violence by the separatist Arakan Rohingya Salvation Army (ARSA). Now living as refugees primarily in Bangladesh, the Rohingya face an uncertain future.

The violence carried out in “clearing operations” by the Burmese military resulted in what the United Nation’s Fact-Finding Mission (FFM) believes was genocide, crimes against humanity, and war crimes.<sup>23</sup> The FFM documented crimes of a systematic and premeditated nature, including mass killings of Rohingya men and boys, gang rape and other forms of sexual violence against women and girls, and significant razing of Rohingya villages. Conservative estimates suggest that more than

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<sup>20</sup> “Cambodia Democracy Act of 2019,” H.R. 526,

<https://www.congress.gov/bill/116th-congress/house-bill/526> (accessed July 24, 2019).

<sup>21</sup> “Cambodia Trade Act of 2019,” S. 34, [https://www.cruz.senate.gov/files/documents/Bills/20190108\\_cambodia.pdf](https://www.cruz.senate.gov/files/documents/Bills/20190108_cambodia.pdf) (accessed July 24, 2019).

<sup>22</sup> News release, “Cambodia: EU Launches Procedure to Temporarily Suspend Trade preferences,” European Commission, February 11, 2019, [http://europa.eu/rapid/press-release\\_IP-19-882\\_en.htm](http://europa.eu/rapid/press-release_IP-19-882_en.htm) (accessed July 24, 2019).

<sup>23</sup> United Nations Human Rights Council, “Myanmar: UN Fact-Finding Mission Releases Its Full Account of Massive Violations by Military in Rakhine, Kachin and Shan States,” September 18, 2018, [https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23575&LangID=E\\_](https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23575&LangID=E_) (accessed July 24, 2019).

10,000 Rohingya have been killed,<sup>24</sup> countless more have been raped and sexually abused.<sup>25</sup> Members of the Burmese military were even seen snatching newborn babies from their mothers' arms and throwing them into the fire.<sup>26</sup> All of these actions were instigated and orchestrated by Senior-General Min Aung Hlaing and carried out by senior military cadres.

The U.N. FFM documented specific instances of members of the Burmese military and government encouraging violence against the Rohingya. Nay Myo Wai, chairman of the Peace and Diversity Party, made an especially egregious comment, saying:

I won't say much, I will make it short and direct. Number one, shoot and kill them! (the Rohingya). Number two, kill and shoot them! (the Rohingya). Number three, shoot and bury them! (the Rohingya). Number four, bury and shoot them! (the Rohingya). If we do not kill, shoot, and bury them, they will keep sneaking into our country!<sup>27</sup>

The findings of the U.N. FFM were egregious and corroborated by many other institutions, including the U.S. Holocaust Memorial Museum,<sup>28</sup> Fortify Rights,<sup>29</sup> and other organizations.

Critically, the FFM and other reports also found evidence that many of these atrocities were being committed not only against Rohingya, but also against other minorities in Shan and Kachin states.<sup>30</sup> The FFM specifically outlined the systematic nature of crimes committed, and identified instances where it was clear that the Burmese military prepared in advance for the atrocities, including an increased military presence in August 2017, confiscation of knives and other potential weapons from Rohingya, heightened restrictions on the Rohingya's freedom of movement, and renewed efforts to institute a National Identification Card ahead of August 25.

One particularly illuminating comment from the FFM noted:

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<sup>24</sup> Ibid.

<sup>25</sup> Human Rights Watch, "All of My Body Was Pain: Sexual Violence Against Women and Girls in Burma," November 2017, [https://www.hrw.org/sites/default/files/report\\_pdf/burma1117\\_web\\_1.pdf](https://www.hrw.org/sites/default/files/report_pdf/burma1117_web_1.pdf) (accessed July 24, 2019).

<sup>26</sup> Jeffrey Gettleman, "Rohingya Recount Atrocities: 'They Threw My Baby Into a Fire,'" *The New York Times*, October 11, 2017, <https://www.nytimes.com/2017/10/11/world/asia/rohingya-myanmar-atrocities.html> (accessed July 24, 2019).

<sup>27</sup> United Nations Human Rights Council, "Myanmar: UN Fact-Finding Mission Releases Its Full Account of Massive Violations by Military in Rakhine, Kachin and Shan States."

<sup>28</sup> News release, "Museum Finds Compelling Evidence Genocide Was Committed Against Rohingya, Warns of Continued Threat," United States Holocaust Memorial Museum, December 2018, <https://www.ushmm.org/information/press/press-releases/museum-finds-compelling-evidence-genocide-was-committed-against-rohingya-wa> (accessed July 24, 2019).

<sup>29</sup> Fortify Rights, "They Gave Them Long Swords: Preparation for Genocide and Crimes Against Humanity Against Rohingya Muslims in Rakhine State, Myanmar," July 2018, [https://www.fortifyrights.org/downloads/Fortify\\_Rights\\_Long\\_Swords\\_July\\_2018.pdf](https://www.fortifyrights.org/downloads/Fortify_Rights_Long_Swords_July_2018.pdf) (accessed July 24, 2019).

<sup>30</sup> U.S. Commission on International Religious Freedom, "Hidden Plight: Christian Minorities in Burma," December 2016, <https://www.uscirf.gov/sites/default/files/Hidden%20Plight.%20Christian%20Minorities%20in%20Burma.pdf> (accessed July 24, 2019), and United Nations Human Rights Council, "Myanmar: UN Fact-Finding Mission Releases Its Full Account of Massive Violations by Military in Rakhine, Kachin and Shan States."

The nature, scale and organization of the operations suggest a level of preplanning and design by the Tatmadaw leadership that was consistent with the vision of the Commander-in-Chief, Senior-General Min Aung Hlaing, who stated in a Facebook post on 2 September 2018, at the height of the operations, that “the Bengali problem” [a derogatory term for Rohingya] was a long-standing one which has become an unfinished job despite the efforts of the previous governments to solve it. The government in office is taking great care in solving the problem.<sup>31</sup>

All this and more led the FFM to not only conclude that crimes were premeditated, but that the evidence collected in the report placed primary responsibility on the Tatmadaw (the Burmese military) and security forces, including the Burmese police and border guard police. The FFM specifically names the Tatmadaw’s commander-in-chief, Senior-General Min Aung Hlaing; deputy commander-in-chief, Vice Senior-General Soe Win; commander, of the Bureau of Special Operations-3, Lieutenant-General Aung Kyaw Zaw; Commander of the Western Regional Military Command, Major-General Maung Maung Soe; Commander of the 22nd Light Infantry Division, Brigadier-General Aung Aung; and Commander of the 99th Light Infantry Division, Brigadier-General Than Oo as directly responsible for the crimes committed against Rohingya. The report also notes that additional known perpetrators were identified and that information is held in U.N. archives for use in international accountability efforts in the future.

In spite of overwhelming evidence, the U.S. has yet to issue a determination on crimes committed. The U.S. issued a report, “Documenting Atrocities in Rakhine State,” that found that “recent violence in northern Rakhine State was extreme, large-scale, widespread, and seemingly geared toward both terrorizing the population and driving out the Rohingya residents. The scope and scale of the military’s operations indicate they were well-planned and coordinated.”<sup>32</sup> The report corroborated many of the findings of the FFM, including that actions were pre-planned and pre-meditated, and that the Burmese military was primarily to blame.

Yet, the report stopped short of issuing a legal determination.

There are several reasons why it is in the U.S. government’s interest to issue a determination, but I will quickly offer five: (1) A designation would counter the narrative that the U.S. doesn’t care about human rights; (2) a designation demonstrates U.S. commitment to preventing atrocities; (3) a designation is likely to increase humanitarian aid burden-sharing among countries, especially as donor fatigue sets in; (4) a designation will put the U.S. Free and Open Indo–Pacific strategy into action; and (5) a designation is an opportunity for the U.S. to reset its policy toward Burma.<sup>33</sup>

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<sup>31</sup> Ibid.

<sup>32</sup> U.S. Department of State, “Documentation of Atrocities in Northern Rakhine State,” Bureau of Democracy, Human Rights, and Labor, September 24, 2018, <https://www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/documentation-of-atrocities-in-northern-rakhine-state/> (accessed July 24, 2019).

<sup>33</sup> Olivia Enos, “5 Reasons the U.S. Should Issue a Determination on Crimes Committed Against Rohingya,” *Forbes*, November 28, 2018, <https://www.heritage.org/asia/commentary/5-reasons-the-us-should-issue-determination-crimes-committed-against-rohingya> (accessed July 24, 2019).



*The U.S. Response to Atrocities Committed Against Rohingya*

Credit should be given where credit is due. The U.S. is the top provider of humanitarian assistance to refugees and internally displaced persons currently in Bangladesh and Burma. According to a March 2019 update, the U.S. has provided a total of \$494 million since August 2017.<sup>34</sup> USAID notes that this is in addition to other U.S.-funded humanitarian aid activities.

In addition to providing humanitarian assistance, the U.S. has periodically issued sanctions against Burmese officials. On July 16, 2019, the State Department levied travel restrictions against four Burmese officials, including Senior-General Min Aung Hlaing.<sup>35</sup> These actions were important, but largely symbolic, and should lead to the eventual levying of financial sanctions.

The July 2019 travel restrictions were not the first sanctions the U.S. government issued in response to the Rohingya crisis, however. The U.S. also designated a handful of Burmese officials under Global Magnitsky. Specifically, one Burmese official, Maung Maung Soe, was designated in December 2017.<sup>36</sup> An additional four members of the Burmese military, including Aung Kyaw Zaw, and the 99th and 33rd Light Infantry Divisions, were designated on August 17, 2018.<sup>37</sup> This periodic commitment to financially sanctioning entities in the Burmese military should be sustained and should go a step further by financially targeting Min Aung Hlaing.

In addition to sanctions and humanitarian assistance, the U.S. government has also sent high-level government officials to visit Cox's Bazaar, where most of the displaced Rohingya live in Bangladesh, as well as Burma. Former Secretary of State Rex Tillerson visited Burma and was the first U.S. government official to employ the term ethnic cleansing to describe atrocities committed there.<sup>38</sup> During her tenure as UN Ambassador, Nikki Haley, devoted significant attention to the issue.<sup>39</sup> Several other senior U.S. government officials have devoted substantial time to advocating on behalf of the Rohingya and other minorities inside the country.

Congress, for its part, introduced the BURMA Act of 2019.<sup>40</sup> The act, which was introduced by Representatives Eliot Engel (D-IA) and Steve Chabot (R-OH) would, among other things, require

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<sup>34</sup> News release, "United States Announces Additional Humanitarian Assistance for Rohingya Refugees," U.S. Agency for International Development, March 5, 2019, <https://www.usaid.gov/news-information/press-releases/mar-5-2019-usaid-humanitarian-assistance-rohingya-refugees> (accessed July 24, 2019).

<sup>35</sup> Michael R. Pompeo, "Public Designation, Due to Gross Violations of Human Rights, of Burmese Military Officials," U.S. Department of State, press statement, July 16, 2019, <https://www.state.gov/public-designation-due-to-gross-violations-of-human-rights-of-burmese-military-officials/> (accessed July 24, 2019).

<sup>36</sup> News release, "United States Sanctions Human Rights Abusers and Corrupt Actors Across the Globe," U.S. Department of the Treasury, December 21, 2017, <https://home.treasury.gov/news/press-releases/sm0243> (accessed October 19, 2018).

<sup>37</sup> "Global Magnitsky Designations," U.S. Department of the Treasury, August 17, 2018, <https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20180817.aspx> (accessed October 19, 2018).

<sup>38</sup> Rex Tillerson, "Joint Press Availability with Burmese State Counsellor Aung San Suu Kyi," U.S. Department of State, November 15, 2017, <https://www.state.gov/joint-press-availability-with-burmese-state-counsellor-aung-san-suu-kyi/> (accessed July 24, 2019).

<sup>39</sup> Nikki Haley, "Remarks at a UN Security Council Briefing on the Situation in Burma" *United State Mission to the United Nations*, September 28, 2017, [https://usun.usmission.gov/remarks-at-a-un-security-council-briefing-on-the-situation-in-burma-3/?\\_ga=2.158636154.1350877446.1564006699-499730846.1564006699](https://usun.usmission.gov/remarks-at-a-un-security-council-briefing-on-the-situation-in-burma-3/?_ga=2.158636154.1350877446.1564006699-499730846.1564006699) (accessed July 24, 2019).

<sup>40</sup> 116th Congress, Burma Unified through Rigorous Military Accountability (BURMA) Act of 2019, U.S. House of Representatives, [https://foreignaffairs.house.gov/\\_cache/files/a/9/a938d8f0-9724-4ad0-9442-](https://foreignaffairs.house.gov/_cache/files/a/9/a938d8f0-9724-4ad0-9442-)

the executive branch to impose sanctions against members of the Burmese military and military-owned enterprises. It would also authorize more than \$220 million in humanitarian aid. The bill has a companion bill in the Senate and enjoys broad bipartisan support. While a similar bill passed the House in the 115th Congress, it was held up in the Senate.

Interest in Burma has increased in recent weeks and months, however, there remains a general lack of political will at the Treasury and at State to levy financial sanctions against the most senior members of the Burmese military or to issue a determination on atrocities committed.

### **The Path Forward: Incorporating Values into the Indo–Pacific Strategy**

The U.S. government needs to be more consistent in its efforts to promote human rights and freedom in Southeast Asia—especially among Southeast Asia’s worst actors: Cambodia and Burma. The Administration should incorporate these priorities as a part of its Indo–Pacific strategy, and put meat on the bones of its rhetorical commitment to promote human rights in the region.

The following actions could be the start of building the values component of the Free and Open Indo–Pacific strategy. The U.S. should:

- **Commit to advancing human rights and values in the Indo–Pacific strategy.** While the security components of the Indo–Pacific strategy are becoming clearer, and the Trump Administration has taken some economic steps (such as the BUILD Act, which created the new U.S. International Development Finance Agency), the values components of the strategy lag significantly behind. It is not clear, for example, who is responsible for making promotion of human rights and democratic values in Asia a priority as a component of the Indo–Pacific strategy. It should be made clearer which agency or inter-agency process is responsible for actualizing the values component of the Indo–Pacific strategy.

The U.S. has intermittently viewed human rights as a luxury issue to be raised when all other diplomatic issues are addressed—but that is *not* the most strategic way to respond to human rights challenges in Asia.

This recommendation need not be limited to promoting democratic values and human rights in Southeast Asia, but can also include the promotion of these values in other countries in Asia of strategic importance, including, but not limited to, China, North Korea, and India.<sup>41</sup>

- **Name and sanction Hun Sen and other party cadres for the role they play in undermining democracy in Cambodia.** The U.S. Treasury Department should use all available tools in its toolbox to freeze and seize assets of known individuals actively obstructing freedom in Cambodia. The Treasury should expand its use of existing Global

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6924ff846b35/3FA2746182AB6F063236F870544F6DE5.hr-3091-burma-act---as-introduced.pdf (accessed July 24, 2019).

<sup>41</sup> Olivia Enos, “Responding to the Crisis in Xinjiang,” Heritage Foundation *Backgrounders* No. 3416, June 7, 2019, <https://www.heritage.org/asia/report/responding-the-crisis-xinjiang>, and Olivia Enos, “The U.S. Must Discuss North Korea’s Prison Camps at the Trump–Kim Summit,” Heritage Foundation *Backgrounders* No. 3322, June 1, 2018, <https://www.heritage.org/global-politics/report/why-the-us-must-discuss-north-koreas-prison-camps-the-trump-kim-summit>.

Magnitsky authorities and use any other relevant authorities to place individuals on the Specially Designated Nationals and Blocked Persons (SDN) list. Such an action would send a clear signal to Hun Sen that the U.S. will intervene in necessary ways to get Cambodia back on the path toward democratic reform.

- **Expand existing visa restrictions on Cambodian officials who are undermining democracy.** The U.S. State Department should follow through on promises made in its condemnation of the July 2018 election to expand existing visa restrictions on Cambodian government officials. One potential way to expand these authorities would be to extend visa restrictions unequivocally to family members, especially to Hun Sen’s direct family members. (Current visa restrictions only apply to family members on a case-by-case basis.)<sup>42</sup>
- **Create and convene an emergency meeting of the Cambodia Contact Group comprised of parties to the 1991 Paris Peace Agreement,** including the United States, Japan, Indonesia, Australia, the U.K., and France, to monitor and press for democratic reform. Among the purposes of the Paris agreement was to ensure “the right to self-determination of the Cambodian people through free and fair elections” and “assuring protection of human rights.”<sup>43</sup>

The signatories have a continuing moral obligation in this regard. The contact group should be used to coordinate human rights policies and assistance programs for Cambodia. In short order, leaders from all of the countries at the foreign-minister level should convene to draw up coordinated plans to hold the Cambodian government accountable and get Cambodia back on the path toward reform.

- **Condition assistance to Cambodia on the health of democracy.** The U.S. should adopt stringent metrics for determining whether Cambodia is eligible for key assistance programs.
- **Continue to press for the release of Kem Sokha.** Every U.S. government statement issued in response to deteriorating conditions in Cambodia should continue to reference Kem Sokha’s imprisonment and demand that the Cambodian government release him immediately. The U.S. government should also make clear that there will be additional consequences if Kem Sokha continues to be held.
- **Congress and the executive branch should evaluate relevant financial tools to craft an over-arching sanctions policy for Burma.** The Obama Administration’s approach toward the country sacrificed much-needed leverage with Burma at a moment of critical change. That leverage needs to be regained, and that is best accomplished through the re-implementation of financial measures targeting the Burmese military and others who are posing obstacles to political reform. A few things should be born in mind as Congress crafts legislative measures to hold the Burmese military accountable:

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<sup>42</sup> News release, “Visa Restrictions on Individuals Responsible for Undermining Cambodian Democracy,” U.S. Department of State, December 6, 2017, <https://www.state.gov/r/pa/prs/ps/2017/12/276288.htm> (accessed August 6, 2018).

<sup>43</sup> United States Institute of Peace, “Agreement on a Comprehensive Political Settlement of the Cambodia Conflict,” Part I, Section II, United National Transitional Authority in Cambodia, 1991, [http://www.usip.org/sites/default/files/file/resources/collections/peace\\_agreements/agree\\_comppol\\_10231991.pdf](http://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/agree_comppol_10231991.pdf) (accessed August 3, 2018).

- Treasury should use its existing authorities under the JADE Act to sanction individuals in the Burmese military for their role in instigating violence leading to the mass displacement and severe abuse of Rohingya. The JADE Act specifically includes four categories of individuals who fall under potential sanctions authorities. These include: “(A) Former and present leaders of the SPDC [State Peace and Development Council], the Burmese military, or the USDA. (B) Officials of the SPDC, the Burmese military, or the USDA involved in the repression of peaceful political activity or in other gross violations of human rights in Burma or in the commission of other human rights abuses, including any current or former officials of the security services and judicial institutions of the SPDC. (C) Any other Burmese persons who provide substantial economic and political support for the SPDC, the Burmese military, or the USDA. (D) The immediate family members of any person described in subparagraphs (A) through (C).”<sup>44</sup>
- While JADE Act legislation was instituted with the express purpose of countering anti-democratic forces in the country, its authorities were broad enough to encompass other actors who might be over-looked if the designation categories were tailored more narrowly. For example, the JADE Act authorities enabled the U.S. government to sanction entities like the Myanmar Economic Corporation and Myanmar Economic Holdings Limited (military-linked conglomerates that provided financial support that contributed to the military’s ability to carry out human rights abuses).<sup>45</sup>
- Legislative and executive branch efforts to craft sanctions legislation should be broad enough to encompass scenarios beyond the violence that has already been perpetrated against Rohingya *and* prepare for additional similar (or even worse) human rights abuses in the future. Sanctions authorities should also be broad enough to encompass entities that materially or financially paved the way for the Burmese military to commit atrocities against Rohingya.
- Legislation should direct the Treasury Department to use all available tools to hold the Burmese military to account. In addition to placing individuals and entities on the SDN list, anti-money-laundering and counterterrorism sanctions can be applied. Global Magnitsky authorities can also be used to target individuals on human rights and corruption grounds.<sup>46</sup> (Current legislation specifies only SDN authorities.)
- Congress should require the State Department to issue a report every six months identifying key entities or individuals in Burma who are either directly responsible for human rights abuses or who enable them, including atrocities committed against Rohingya. This would serve as a useful benchmark against which to measure the executive branch’s response.

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<sup>44</sup> Tom Lantos Block Burmese JADE (Junta’s Anti-Democratic Efforts) Act of 2008.

<sup>45</sup> International Trade Alert, “Burma Sanctions Lifted: Political and Reputational Risks Remain,” Akin Gump Strauss Hauer & Feld LLP, October 11, 2016, <https://www.akingump.com/en/news-insights/burma-sanctions-lifted-political-and-reputational-risks-remain.html> (accessed February 2, 2018).

<sup>46</sup> Donald J. Trump, “Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption,” Executive Order, December 21, 2017, <https://www.whitehouse.gov/presidential-actions/executive-order-blocking-property-persons-involved-serious-human-rights-abuse-corruption/> (accessed February 1, 2018).

- Just as sanctions should include a clear “on-ramp,” or directive, for designating individuals and entities for their role in atrocities, there should be an equally clear “off-ramp.” Current legislation lays out criteria under which sanctions could be removed. This is essential to any effective sanctions regime.
- **Make an official, public legal determination on crimes committed against Rohingya.** Refusal to issue a legal determination calls into question the sincerity of the Administration in responding to crimes committed. If the U.S. intends to continue to lead, not just in provision of humanitarian assistance, it should issue a determination.

**The U.S. government should refuse to engage in any military-to-military exchanges, training programs, or assistance for the foreseeable future.** The U.S. has little to gain from engaging the Burmese military, and there are three critical reasons why the U.S. should not pursue normalization at this time.<sup>47</sup> First, engagement lends undeserved respectability to the Burmese military—an element of the government that has proven subversive to Burma’s democratic transformation, that already possesses significant power, and that has a track record of using that power for ill rather than good. Second, the proposed expansion of military-to-military ties would not have the intended effect of countering China’s influence in Burma: China’s ties are built on a history of engagement, threat, proximity, and interests that are not susceptible to American disruption. Third, the U.S. previously stated that it would not pursue complete normalization of ties with the Burmese until the U.S. demonstrates that Burma has discontinued military-to-military engagement with North Korea.

While the Trump Administration has already made it clear that military-to-military cooperation and exchanges are off the table for the time being, Congress has still intermittently expressed its intent to expand cooperation with the Burmese military. The Burmese Human Rights and Democracy Act that recently passed the Senate Foreign Relations Committee makes an exception for military engagement outlined and permitted in the 2015 National Defense Authorization Act. Given the military’s demonstrated role in atrocities against Rohingya and its track record of abuse and impunity against other ethnic and religious minorities in the country, until the Burmese military truly makes progress, Congress should avoid engaging with the Tatmadaw entirely. Current legislation helpfully outlines the criteria for evaluating any change.

- **U.S. government messaging should continue to affirm the legitimacy of the civilian government and express support for the continuation of the peace process.** Such rhetoric should encourage Aung San Suu Kyi and the National League for Democracy to act responsibly and develop a more comprehensive response to the Rohingya crisis. The U.S. should also voice continued support for the Burmese people and recognize their right to self-determination in forging future political outcomes. The U.S. government should especially

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<sup>47</sup> Olivia Enos and Walter Lohman, “Why Congress Should Not Pursue Normalization of Military Ties with Burma,” Heritage Foundation *Issue Brief* No. 4759, September 5, 2017, <https://www.heritage.org/defense/report/why-congress-should-not-pursue-normalization-military-ties-burma>.

encourage ongoing efforts by Aung San Suu Kyi to implement recommendations made in the Annan Commission report on Rohingya.<sup>48</sup>

- **The U.S. government should take the lead in funding and organizing international humanitarian assistance.** The U.S. should continue to lead as the primary provider of humanitarian assistance to address the Rohingya crisis. The Trump Administration has expressed an interest in supporting refugees overseas rather than pursuing higher levels of resettlement to the U.S. It can demonstrate the sincerity of those claims by putting significant funding toward alleviating suffering in what is today the world's largest refugee camp in Bangladesh. After all, resettling one refugee to the U.S. is about 12 times costlier than providing for that refugee in a camp closer to his home for five years.<sup>49</sup>

Proposed funding from the international community and the U.S. falls short of what humanitarian agencies say is necessary. The U.S. should work with humanitarian agencies to ensure efficient allocation of resources and take the lead in ensuring that the basic needs of refugees and internally displaced persons in both Burma and Bangladesh are being met.

- **The U.S. government should press the Burmese government to allow humanitarian actors and journalists to enter Rakhine State and all other areas of concern.** The Burmese government has proven a significant impediment to humanitarian access. It has refused visas to U.N. officials hoping to conduct a fact-finding mission in Burma and prevented most humanitarian aid groups from providing much-needed assistance to Rohingya left behind in Rakhine State. The Burmese government has also historically restricted humanitarian access in Kachin State.<sup>50</sup>

The U.S. should clearly communicate that there will be diplomatic and political repercussions in the U.S.–Burma relationship if access is continually denied to various humanitarian actors.

- **The U.S. government should continue to condemn efforts to prematurely repatriate Rohingya refugees and reiterate that repatriation must be voluntary for it to be viewed as legitimate by the international community.** At this point, Bangladesh should reconsider its commitment to the repatriation agreement it agreed to with Burma. It is premature to consider repatriation as a viable option for Rohingya. If Rohingya return to Burma, they void their refugee status, ceding the protections that status affords.<sup>51</sup> Given how receptive Bangladesh has been to sheltering those in need, the U.S. should work closely with the Bangladeshi government, the UNHCR (the U.N. refugee agency), and other relevant humanitarian actors to ensure that refugees receive the assistance and care they need.

<sup>48</sup> Advisory Commission on Rakhine State, "Toward A Peaceful, Fair, and Prosperous Future for the People of Rakhine," Final Report, August 2017, [http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport\\_Eng.pdf](http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf) (accessed February 9, 2018).

<sup>49</sup> Karen Zeigler and Steven A. Camarota, "The High Cost of Resettling Middle Eastern Refugees," Center for Immigration Studies, November 2015, <http://cis.org/High-Cost-of-Resettling-Middle-Eastern-Refugees> (accessed October 7, 2016).

<sup>50</sup> Amnesty International, "Myanmar: Lift Restrictions Immediately on Humanitarian Aid," October 20, 2016, <https://www.amnesty.org/en/latest/news/2016/10/myanmar-lift-restrictions-immediately-on-humanitarian-aid/> (accessed February 9, 2018).

<sup>51</sup> U.S. Citizenship and Immigration Services, "Can I Travel Back to the Country from Which I Claimed Persecution Once I Have Been Granted Permanent Residence Based on a Grant of Asylum?" <https://my.uscis.gov/helpcenter/article/can-i-travel-back-to-the-country-from-which-i-claimed-persecution-once-i-have-been-granted-permanent-residence-based-on-a-grant-of-asylum> (accessed February 2, 2018).

- **The U.S. should consider granting Priority 2 (P-2) refugee status to Rohingya refugees.** Refugee resettlement is one of the few ways that the U.S. can meaningfully support countries in the midst of intractable crises. The U.S. Refugee Admissions Program is a useful humanitarian initiative with which the U.S. engages the world and provides relief for a select few during international crises. It supports U.S. interests by enabling the U.S. to assert leadership in foreign crises, assist in the midst of intractable crises, and help allies and partners in need. It also strengthens U.S. public diplomacy and tangibly alleviates human suffering. P-2 status holders do not need to prove “individualized” persecution or be referred by the United Nations Commissioner for Human Rights. They are processed on the basis that they belong to a group with known, established grounds of persecution, such as genocide.<sup>52</sup> Refugees who are granted P-2 status are included in, not in addition to, the quota set by the President. Subsequently, the same number of refugees would be admitted on an annual basis, regardless of whether they are processed through P-2 status or not. Current P-2s include Iraqis who have worked for the U.S., Burmese refugees in Thailand and Malaysia, and politically persecuted Cubans, among others.<sup>53</sup> P-2 status has been granted to individuals previously subject to genocide, including Congolese in Rwanda.<sup>54</sup>
- **Burma should continue to be listed as a “country of particular concern” (CPC) in the *International Religious Freedom* report for its persecution of Rohingya and other religious minorities in the country. Critically, it should also receive *unique* sanctions for violating religious freedom.** CPCs are guilty of severe forms of persecution including torture, discrimination, and denial of religious freedom. Despite Burma’s designation as a CPC, sanctions under the International Religious Freedom Act (IRFA) have been waived and subsumed under sanctions that have been imposed pursuant to the Jackson–Vanik Amendment. This strategy has failed to garner compliance. Due to Burma’s ongoing violations of religious freedom, it should remain a country of particular concern and face sanctions under the IRFA specifically for its violations of religious freedom.
- **The 2017–2018 Rohingya crisis should factor into determinations regarding Burma’s ranking in the State Department’s *Trafficking in Persons* (TIP) report, and Burma should be returned to the list of countries with child soldiers.** The Trump Administration’s failure to list Burma on the Child Soldiers Prevention Act List in the 2017 TIP report violated U.S. law. The Administration could have exercised national security waiver authority. This would have allowed the Administration to waive sanctions or any other diplomatic repercussions for Burma’s designation on the child soldiers list. The State Department, the U.N., and other nongovernmental organizations documented the presence of child soldiers in Burma just months prior to the release of the TIP report, making it impossible to make the case that Burma should not be included on the list.<sup>55</sup>

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<sup>52</sup> Office of U.S. Senator Tom Cotton, “Fact Sheet: Religious Persecution Relief Act of 2016,” March 17, 2016, <http://www.cotton.senate.gov/files/documents/160316FactSheetonReligiousPersecutionReliefAct.pdf> (accessed April 4, 2016), and Refugee Council USA, “Priority Categories,” <http://www.rcusa.org/priority-categories> (accessed April 4, 2016).

<sup>53</sup> Jie Zong and Jeanne Batalova, “Refugees and Asylees in the United States,” Migration Policy Institute, October 28, 2015, <http://www.migrationpolicy.org/article/refugees-and-asylees-united-states> (accessed April 4, 2016).

<sup>54</sup> Refugee Council USA, “Priority Categories.”

<sup>55</sup> Human Rights Watch, “U.S.: Return Burma, Iraq to Child Soldier List,” June 26, 2017, <https://www.hrw.org/news/2017/06/26/us-return-burma-iraq-child-soldier-list> (accessed June 30, 2017); United

- **The U.N. High Commissioner for Human Rights should conduct a Commission of Inquiry (COI) report on the Rohingya crisis, paying special attention to identifying perpetrators of violence.** On March 24, 2017, the U.N. Human Rights Council decided to undertake a fact-finding mission in Burm.<sup>56</sup> Thus far, the Burmese government refused to grant access to the U.N. fact-finding mission.<sup>57</sup> Nevertheless, the U.N. should consider stepping up its efforts for accountability by undertaking a COI into the situation in Burma. Such an undertaking has the potential to fundamentally shift the policy debate over human rights conditions in Burma. The COI report conducted by the U.N. regarding human rights conditions in North Korea resulted in a fundamental transition in policymakers' approach toward North Korea—in many ways forcing policymakers to address human rights and humanitarian challenges in addition to the security threat posed by the Kim regime. In contrast to the fact-finding mission, the COI in North Korea did not require entering North Korea, but involved in-depth interviews with defectors or refugees from North Korea. A COI in Burma may result in a similar shift in discourse that could be helpful in shaping perceptions and policymaking toward Burma. Perhaps most critically, it could bring clarity to the question of what type of crimes against humanity were committed in Burma and by which actors.

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Nations, "Myanmar: 849 Children and Young People Released from Tatmadaw Since 2012," Office of the Special Representative of the Secretary-General for Children and Armed Conflict, June 23, 2017, <https://childrenandarmedconflict.un.org/press-release/myanmar-849-children-and-young-people-released-from-tatmadaw-since-2012/> (accessed June 30, 2017); and United Nations Security Council, "Children and Armed Conflict," April 20, 2016, [https://www.un.org/ga/search/view\\_doc.asp?symbol=s/2016/360&referer=/english/&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=s/2016/360&referer=/english/&Lang=E) (accessed June 30, 2017).

<sup>56</sup> United Nations Human Rights Council, "Independent International Fact-Finding Mission on Myanmar," September 2018, <http://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/Index.aspx> (accessed February 2, 2018).

<sup>57</sup> Mike Ives, "Myanmar Vows to Block U.N. Investigators From Entering," *The New York Times*, June 30, 2017, <https://www.nytimes.com/2017/06/30/world/asia/myanmar-united-nations-rohingya.html> (accessed February 2, 2018), and news release, "Myanmar Refuses Access to UN Special Rapporteur," *U.N. Office of the High Commissioner*, December 20, 2017, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22553&LangID=E> (accessed February 2, 2018).



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