

REFUGEES INTERNATIONAL

Field Report (April 2019):

*“Abuse or Exile – Myanmar’s Ongoing
Persecution of the Rohingya”*

Report from Daniel P. Sullivan, Senior Advocate for
Human Rights at Refugees International

Read full report [here](#).

SUMMARY

One million Rohingya refugees continue to live in Bangladesh, with little prospect for safe return to their homeland in western Myanmar. Forcibly displaced by years of persecution and a brutal ethnic cleansing campaign at the end of 2017, the Rohingya are understandably afraid to go home. The government of Myanmar has neither addressed the atrocities committed in the past nor improved the wretched conditions for the few hundred thousand Rohingya estimated to still be living in the Rakhine region of Myanmar. In fact, the government is pursuing policies that are causing the situation of the Rohingya to deteriorate further. This population continues to be denied citizenship and faces severe human rights abuses, heavy restrictions on their daily lives, and little access to humanitarian aid or basic services.

In February and April 2019, Refugees International interviewed Rohingya who had arrived in Bangladesh from Myanmar just days before. Those interviewed described ongoing harassment, arbitrary detention, and forced labor at the hands of Myanmar's security forces. The newly arrived refugees also reported that the security situation in the Rakhine region had recently deteriorated. In early 2019, the Arakan Army (AA), an ethnic armed group from the non-Rohingya Buddhist community in Rakhine State, carried out several attacks against police stations in the region. In response, Myanmar security forces initiated a crackdown that displaced more than 20,000 people and contributed to a sense of growing insecurity in those areas to which Rohingya refugees in Bangladesh would seek to return.

The long-term trendlines for the Rohingya in Rakhine show no signs of improvement. For example, more than 120,000 Rohingya have been living in displacement camps since 2012 in what the UN has described as deplorable conditions. The government's plans to close the camps have resulted in little more than shifting the displaced to structures next to the camps with no greater degree of freedom of movement or opportunity to return to their lands of origin.

In addition, hundreds of Rohingya continue to face dangerous conditions in prisons and detention centers in Myanmar, having been held on questionable charges—many since 2012. More fundamentally, the Rohingya continue to be denied citizenship based on Myanmar's discriminatory 1982 Citizenship Law. Government suggestions of National Verification Cards (NVCs) as a path to citizenship have been largely rejected by the Rohingya because they reasonably view the process as a repudiation of their ethnic identity and of legitimate claims to citizenship in Myanmar.

It is also clear that continued impunity constitutes a significant barrier to safe and voluntary returns. Justice for past crimes remains one of the preconditions that Rohingya refugees in Bangladesh most frequently cite for returning to Myanmar, and they express little faith in the existence of a credible accountability mechanism within Myanmar. The scale and coordination behind the atrocities have been documented by the U.S. State Department and a UN Independent Fact-Finding Mission on Myanmar. Although the State Department fell short of making a legal determination about the nature of the crimes, the mission found that Myanmar's military leaders should be prosecuted for crimes against humanity and genocide; yet there has been virtually no accountability for atrocities committed.

Finally, efforts to date to promote repatriation have failed to involve the Rohingya themselves. Any serious repatriation process will require close consultation with the Rohingya refugee

community about their rights, options, and safety. It should also include “go and see” visits in cooperation with the UN Refugee Agency (UNHCR). So far, none of these steps have occurred. As a result, a failed attempt to organize a first wave of returns on November 15, 2018, resulted in widespread fear and anxiety among the refugee population. It should not be surprising that no Rohingya have yet volunteered to be repatriated.

Clearly, the government of Myanmar has failed to create conditions conducive to the safe, voluntary, dignified, and sustainable return of Rohingya. It is also clear that the government is continuing to take consequential steps that will make the situation of the Rohingya untenable over the long term. These include the NVC process, the internally displaced people (IDP) policy, troubling reports of the movement of non-Rohingya populations onto land from which Rohingya were expelled, and rejection of credible accountability mechanisms. Nothing short of strong, coordinated international action will reverse this dangerous trend.

In short, the international community needs a strategy—one that combines a careful mix of pressure and engagement from the UN Security Council and influential individual member states. The elements of such a strategy are set out below. They must match the magnitude of the crisis, confront the problematic policies of the government of Myanmar, and address the ongoing impunity of its security forces. The longer the international community fails to act, the more distant the prospect of returns become. The world’s response must reflect that reality.

RECOMMENDATIONS

The government of Myanmar should do the following:

- End abuses by Myanmar security forces against the Rohingya and other ethnic minorities, including arbitrary arrest and detention, forced labor, and sexual violence.
- Recognize the basic rights of the Rohingya, including the rights to freedom of movement, access to health and education, and the right to self-identify as Rohingya.
- Ensure dignified conditions in internal displacement camps and facilitate the voluntary return of Rohingya to their place of origin or alternative locations of their choice.
- Release Rohingya prisoners arbitrarily arrested and held in jails or detention centers—many since 2012.
- Allow unfettered access throughout Myanmar for the UN Special Rapporteur for Human Rights in Myanmar, International Criminal Court investigators, and other independent international human rights monitors and journalists.
- Recognize and restore full citizenship rights to the Rohingya by amending the discriminatory 1982 Citizenship Law.
- End the coercive issuance of NVCs and take measures to simplify the citizenship verification process.
- Hold accountable those responsible for atrocities committed against the Rohingya through cooperation with a credible independent international mechanism, such as an ad hoc tribunal or the International Criminal Court.

- Allow unfettered access for international humanitarian aid and for the UNHCR and UN Development Program (UNDP) in line with the Memorandum of Understanding on repatriation signed in June 2018. Any repatriation exercise should include the participation of UNHCR, as well as “go and see” visits for Rohingya, to verify the safety of potential areas for returns.

The UN Security Council and individual UN member states should do the following:

- Oppose the repatriation of Rohingya to Myanmar until the government of Myanmar has taken meaningful and verifiable steps to address ongoing human rights abuses, restrictions on movement and humanitarian access, and denial of citizenship and fundamental rights to the Rohingya.
- Demand access for and inclusion of UN agencies in any plans to repatriate Rohingya to Myanmar.
- Demand access for the UN Fact-Finding Mission and the UN Special Rapporteur for Human Rights in Myanmar, and support the transition from the mission to the UN-sponsored Independent Investigative Mechanism for collecting evidence related to atrocity crimes committed against the Rohingya.
- Press for accountability for atrocity crimes committed against the Rohingya through the following:
 - Establishing an ad hoc tribunal or referral to the International Criminal Court
 - Sanctioning high-level Myanmar military officials, as identified in the Fact-Finding Mission report, including Senior General Min Aung Hlaing, as well as military-owned enterprises
 - Placing a multilateral arms embargo on the Myanmar military until those responsible for atrocity crimes are held to account
 - Support the representation of Rohingya refugees in global forums on the Rohingya crisis and consult and inform refugees on UN agreements, such as the Memoranda of Understanding on repatriation with Bangladesh and Myanmar.

The United States government should do the following:

- Make a legal determination, through the U.S. Secretary of State, as to whether the abuses identified in the U.S. State Department’s August 2018 report amount to crimes against humanity and genocide.
- Place additional targeted sanctions on high-level Myanmar military officials, as identified in the UN Fact-Finding Mission report, including Senior General Min Aung Hlaing, as well as military-owned enterprises.
- Appoint a high-level presidential envoy on Myanmar (who could be a “dual-hatted” official already serving in government); this envoy would seek to work with like-minded governments to lead international efforts to end abuses, provide assistance to refugees, and promote conditions that will permit the eventual safe and voluntary return of Rohingya to Myanmar.

BACKGROUND

The Rohingya ethnic minority from western Myanmar has endured decades of persecution and abuse, which reached an unprecedented scale in the final months of 2017. Ultimately, more than 700,000 Rohingya, the majority of the population previously living in Myanmar, were forced to flee to neighboring Bangladesh between August 2017 and mid-2018. The Myanmar military, following attacks on security posts by a group of Rohingya insurgents at the end of August 2017, responded disproportionately with widespread clearance operations targeting the entire Rohingya population. The attacks, both by Myanmar's military and local ethnic Rakhine groups, included burning of villages, mass killings, and widespread rape,

in what amounted to a campaign of ethnic cleansing.

Following interviews with Rohingya refugees in Bangladesh in September 2017, the Myanmar military was “executing a campaign of ethnic cleansing against the Rohingya people of Myanmar, marked by abuses that constitute crimes against humanity.”¹ The extent of the abuse has been documented further in numerous investigations, including by the U.S. State Department and the UN. A State Department investigation, based on more than a thousand interviews with Rohingya refugees in Bangladesh, described the violence as “extreme, large-scale, widespread,” and concluded that “the scope and scale of the military’s operations indicate they were well-planned and coordinated.”² An independent Fact-Finding Mission mandated



1. For further background on past persecution and the atrocity crimes committed against the Rohingya during the October 2016 and August 2017 ethnic cleansing campaigns, see Refugees International, “A Continuing Humanitarian Tragedy: Ongoing Abuses and Oppression of the Rohingya in Myanmar,” <https://www.refugeesinternational.org/reports/myanmarpolicybrief>; and “Bearing Witness to Crimes Against Humanity: The Forced Expulsion of the Rohingya from Myanmar,” <https://www.refugeesinternational.org/reports/2017/10/bangladesh>.

2. U.S. Department of State, “Documentation of Atrocities in Northern Rakhine State,” <https://www.state.gov/j/drl/rls/286063.htm>.

NOOR JAN, a 70-year-old Rohingya grandmother, arrived in Bangladesh in December 2018. She came with three of her grandchildren: an eight-year-old grandson and two granddaughters, ages seven and five. Her village was burned to the ground at the height of the ethnic cleansing campaign against the Rohingya in August 2017. She subsequently lived in four different villages and described regular visits by security forces who beat people or took men away for forced labor or women to be raped. She told the Refugees International team that she would have fled earlier but did not find a way until a couple of months before. “I would not dare to say it is safe for people to go back,” she told the team. For now, she says, “I feel safe in the camp [in Bangladesh]. Here I can sleep.”



by the UN Human Rights Council described the attacks as “a human rights catastrophe” and found that Myanmar’s military leadership should be prosecuted for genocide.³

By early 2018, the military assaults on Rohingya had scaled down, and the numbers fleeing to Bangladesh each month lessened from tens of thousands to hundreds—though reports of systematic and grave violations of human rights continued. International condemnation has shifted to talks of repatriation of the Rohingya now living in Bangladesh back to Myanmar. Three agreements have been signed toward the goal of repatriation: one between the governments of Myanmar and Bangladesh in November 2017, another between the government of Bangladesh and UNHCR in April 2018, and a third between the Myanmar

government and two UN agencies (UNHCR and the UN Development Program [UNDP]) in June 2018. Bangladesh has produced a list of approximately 8,000 potential returnees, which has been vetted by Myanmar; also, several plans to begin these returns have been announced by the two governments, most recently involving a list of some 2,200 vetted names of individuals meant to begin repatriation on November 15, 2018. At the time of writing, however, no Rohingya refugees in Bangladesh have volunteered to participate in the return plans.

Meanwhile, Rohingya refugees continue to arrive in Bangladesh because of ongoing persecution—some of them paying smugglers to evade detection by Myanmar’s border security forces. UNHCR estimates that more than 16,000 Rohingya arrived in 2018; scores

3. 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,” <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23575&LangID=E>.

have continued to arrive so far in 2019.⁴ Bangladesh's Foreign Secretary stated in March 2019 that Bangladesh would no longer be able to accept Rohingya from Myanmar, but as of the time of writing, Rohingya have continued to arrive.

Several hundred thousand Rohingya remain in Myanmar's Rakhine State, where they continue to endure restrictions and abuse. An estimated 200,000 live in northern Rakhine, where access to outside observers, including humanitarian organizations, has been heavily restricted—even more so because of insecurity in recent months. In addition, more than 120,000 Rohingya have been living in displacement camps in central Rakhine State since 2012, in what the UN describes as deplorable conditions. There is greater, albeit still restricted, outside access to Rohingya populations in central Rakhine State. Several thousand Rakhine and other ethnic minorities have also been displaced by violence and insecurity in both central and northern Rakhine State.

An independent Fact-Finding Mission mandated by the UN Human Rights Council described the attacks as “a human rights catastrophe” and found that Myanmar's military leadership should be prosecuted for genocide.

A team from Refugees International traveled to the Rohingya refugee camps in Bangla-

desh in February and April 2019 to explore conditions in Rakhine State through interviews with Rohingya who had arrived from Myanmar just days before. The new arrivals Refugees International interviewed were all from northern Rakhine State, where outside access has been particularly restricted. Information on conditions in central Rakhine State was gathered through research and recent UN and nongovernmental organization (NGO) reports. The team also interviewed dozens of UN and NGO officials in Bangladesh and Myanmar, including those who had had recent access to various parts of Rakhine State.

THE SECURITY SITUATION AND FREEDOM OF MOVEMENT

The Rohingya have long faced restrictions on their movements in Myanmar, whether through formal curfews and security restrictions, informal demands for bribes, or targeted harassment based on their ethnicity. These restrictions have increased in recent years and even more so in recent months because of the emergence of fighting between the Myanmar army and the Arakan Army (AA), an ethnic Rakhine insurgent group.

Restricted Movement and Livelihood Opportunities

The Rohingya in Rakhine State continue to face heavy restrictions on their freedom of movement and ability to pursue livelihood opportunities. Although the freedom of movement for Rohingya has been restricted

4. In February, UNHCR processed 130 new arrivals from Myanmar and India through its Transit Center; Refugees International interviewed several additional Rohingya refugees arriving from Myanmar who did not go through the Transit Center. United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Humanitarian Response, “Situation Report: Rohingya Crisis – Cox's Bazar, February 2019,” <https://www.humanitarianresponse.info/en/operations/bangladesh/document/situation-report-rohingya-crisis-coxs-bazar-february-2019>.

for decades, those restrictions have grown more severe over the past couple of years. Recently arrived Rohingya from northern Rakhine told the Refugees International team about being unable to leave their towns or villages to access fields, fish in rivers, or go to health centers or nearby markets. Strict curfews limit their ability to even leave their homes.

In northern Rakhine, there is some freedom of movement for people within larger towns, such as Maungdaw and Buthidaung, but the situation is worse for people living in rural areas. Some Rohingya have tried to travel by boat to Sittwe, the state capital in central Rakhine, but have been turned away by the Myanmar security forces and told to go back to the north. As one woman from a village near Maungdaw town told the team, “We can’t move. It’s becoming worse day by day. We can’t go anywhere without fear. Most people in the village are thinking about how they can flee.”

With restricted movement comes restricted livelihood opportunities, forcing the Rohingya population to rely increasingly on outside aid. Adding to the challenge, many livestock were killed during the state-sponsored violence in 2017, a situation the government has done little to address. As a donor government official who recently visited northern Rakhine told the team, “Across the board, it’s a dire situation.”

Insurgency and Insecurity

The AA’s attacks on the Myanmar army and police forces, and a subsequent heavy-handed response by Myanmar’s security forces introduced a new element of insecurity in 2019. This dynamic is separate from the persecution of the Rohingya but is related in that the Rakhine people also have suffered from decades of neglect and the underdevel-

opment of Rakhine State at the hands of the central government. Unlike the Rohingya, the Rakhine are recognized by the government of Myanmar as citizens and share the predominant Buddhist religion of the main Baman ethnic group. The AA was formed in 2009 and seeks greater autonomy for the Rakhine. Though many Rakhine express animosity toward the Rohingya, particularly in recent years, the AA has focused its ire largely on the Myanmar government.

In early January, the AA attacked four Myanmar police outposts, killing 13 officers. Myanmar’s security forces responded by moving thousands of troops into Rakhine State and carrying out its own attacks and arrests.⁵ The violence has affected both the Rohingya and Buddhist ethnic minorities. More than 20,000 people, mostly non-Rohingya ethnic minorities, have been displaced by the fighting, including some Rakhine Buddhists who fled temporarily to Bangladesh.

The deployment of additional army troops and heightened tensions in Rakhine State have made it even more dangerous for Rohingya to move between towns, also raising very serious questions about the feasibility of any safe returns for Rohingya in the near term. Additionally, new violence perpetrated by the AA has been used by Myanmar security forces as a pretext for justifying continued harassment of Rohingya. The government has also pointed to this violence to justify further restrictions on humanitarian access to most of northern Rakhine, even to areas not directly impacted by conflict.

5. International Crisis Group, “A New Dimension of Violence in Myanmar’s Rakhine State,” <https://www.crisisgroup.org/asia/south-east-asia/myanmar/b154-new-dimension-violence-myanmars-rakhine-state>.