

REFUGEES INTERNATIONAL

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Subcommittee on Asia and the Pacific
“Burma’s Brutal Campaign Against the Rohingya”
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I would like to take this opportunity to thank Chairman Yoho, Ranking Member Sherman and the members of this subcommittee for holding this timely hearing today, and I ask that my full statement and additional Refugees International (RI) documents be ordered part of the record. RI is a non-profit, non-governmental organization that advocates for lifesaving assistance and protection for displaced people in parts of the world impacted by conflict, persecution and forced displacement. Based here in Washington, we conduct fact-finding missions to research and report on the circumstances of displaced populations in countries such as Somalia, Iraq, Uganda, and Bangladesh. RI does not accept any government or United Nations funding, which helps ensure that our advocacy is impartial and independent.

Chairman Yoho, Ranking Member Sherman, today’s important hearing could not come at a more crucial time. There is a tragedy of historic proportions unfolding at this moment in Myanmar. More than four hundred thousand people of a single ethnic group, the Rohingya, have fled Myanmar for Bangladesh in less than a month. That is more than one-third of the total number of Rohingya that were living in the country up to a month ago.

The Myanmar military continues to relentlessly attack Rohingya villages, burning homes, beating, stabbing, and shooting the inhabitants, and leading survivors to flee for their lives. Doctors and humanitarian workers have reported widespread cases of rape. Hundreds, if not thousands of Rohingya, have been killed.

There is no question that crimes against humanity and ethnic cleansing are taking place. This was obvious three weeks ago, when RI first publicly accused the Myanmar military of such atrocities.

I know this is happening because I heard the stories myself. Only a few days ago, I returned from visiting Bangladesh to speak with Rohingya who recently fled to ask them why. What I heard was a litany of abuses along a common strain: soldiers surrounding villages, using various incendiary devices to set fire to homes, at times locking or throwing people inside the burning

structures; young women singled out to be taken away and raped; days long flight by foot and/or boat across the border to Bangladesh, arriving with just the clothes on their backs.

RI's president, Eric Schwartz, a former White House official and Assistant Secretary of State for Populations, Refugees, and Migration, traveled with me to Bangladesh to meet the newly arrived Rohingya. Together we visited several camps and a hospital where we saw young girls and boys who had suffered gunshot wounds, burns, and physical injuries and emotional trauma inflicted by the Myanmar military. Eric has said that, over a three decade career, he's been on dozens of humanitarian and human rights missions, but doesn't remember choking up on any of them – until this particular trip. The situation, he told me, is one of the worst he's ever seen. I can only concur.

I thank Members of Congress, including Members of this Committee, for speaking out on behalf of the Rohingya. But mere words are no longer sufficient, Mr. Chairman. The time for action is now, and I will lay out in my testimony what action Congress should take immediately.

Background

My testimony today is based on my recent first-hand conversations with Rohingya in Bangladesh and years of working on the Rohingya, including visits to Malaysia, Thailand, Bangladesh, and Rakhine State in Myanmar. Past RI reports have documented the persecution faced by the Rohingya as a stateless group. They have described how the Rohingya have been refused citizenship by the Myanmar government despite historical claims to the country going back generations. And RI reports have described the severe restrictions on basic freedoms to marry, have children, practice religion, work, or to move freely. The Rohingya have even been denied the right to self-identify, as the Myanmar government refuses to recognize “Rohingya” as a distinct ethnic group.

The current crisis is the horrific culmination of these decades of persecution and more recent troubling developments. Even as the much lauded democratic opening of the past few years unfolded in Myanmar, conditions for the Rohingya were getting worse. Since violence between Rohingya and local Rakhine Buddhists broke out in 2012, some 120,000 Rohingya have remained confined to displacement camps described as ‘open air prisons’. Tens of thousands took to sea to escape conditions in Myanmar, leading to the May 2015 Andaman Sea crisis that briefly captured the world's attention as thousands of Rohingya and Bangladeshis were abandoned on rickety boats by human traffickers.

The prevailing conditions were noted in a report by an international advisory commission on Rakhine State, led by former UN Secretary General Kofi Annan (one appointed and endorsed by Aung San Suu Kyi). It found that the Rohingya population has suffered “protracted statelessness and profound discrimination” that has caused the Rohingya community to become “marginalized and particularly vulnerable.” It noted that several aspects of Myanmar's citizenship law “are not in compliance with international standards and norms” and that the citizenship law “has not done justice to the credible claims of communities who have been living in the country for generations.” The report's recommendations included the need for unfettered humanitarian access, safe returns of refugees, and an “independent and impartial investigation” to ensure “that

perpetrators of serious human rights violations are held accountable.” It was even accepted by Aung San Suu Kyi and the Myanmar military, but any hopes for progress it might provide has been quickly overshadowed.

Starting late last year the situation took a decided turn for the worse. In October 2016, an insurgent group of Rohingya calling itself the Arakan Rohingya Salvation Army (ARSA), emerged publicly with an attack on border guard posts that left nine police officers dead. The insurgents attacked largely with knives and sling shots and some firearms. The response by the Myanmar military was grossly disproportional, targeting the entire Rohingya population, and indiscriminately wreaking severe human rights abuses upon them, including torture, arbitrary execution, and mass rape. Some 87,000 Rohingya would flee to Bangladesh in the next few months. The Office of the High Commissioner for Human Rights carried out interviews with Rohingya who fled to Bangladesh and concluded that abuses were occurring that likely amounted to crimes against humanity. The UN Human Rights Council then established a Fact-Finding Mission to investigate further, but the Government of Myanmar said it would not cooperate or allow investigators access to the country.

RI’s most recent report, in July 2017, documented the experience of some of the 87,000 Rohingya who fled to Bangladesh at that time and the serious humanitarian challenges that influx brought to Bangladesh. Among the challenges highlighted by RI were inadequate shelter, unequal and inefficient aid distribution, and the rising risks of gender based violence and human trafficking. All of this was before August 25th, before the population of Rohingya in the country effectively doubled in the course of a month.

The current crisis began on August 25th, a day after the Annan Commission report was released, when new attacks by ARSA on some 30 police posts led to a wildly disproportionate military response against the broader Rohingya civilian population. Like ARSA’s October attacks, ARSA’s August attacks were carried out largely with knives, sticks, and home-made weapons. Twelve police officers were killed, along with dozens of insurgents, according to the Myanmar government.

It is important to recognize that other minority groups in Rakhine State, including Rakhine Buddhists and Hindus, have also been displaced and killed, many reportedly by ARSA insurgents, but nowhere on the scale of the Rohingya. As I mentioned at the beginning of this testimony, more than 400,000 of the just over a million Rohingya living in Myanmar as of last month have now been displaced. Hundreds, if not thousands, have been killed. It is difficult to get a completely accurate picture as access to Rakhine State remains heavily restricted. But speaking with those who have fled provides us with a very good idea of what is happening in the region.

Fleeing Horrors in Myanmar

The story of one woman I spoke with, Lila, is similar – in some ways, nearly identical – to other accounts I obtained. Lila, a 28-year-old mother of three daughters, all under the age of seven, was in her village in Boli Bazar in Maungdaw district of Rakhine State in western Myanmar just a matter of days ago. Soldiers came to her village and began lighting the houses on fire. One

soldier grabbed her by the arm and tried to drag her away but somehow she managed to escape. After she escaped the burning village, her husband told her to go ahead with her three daughters without him while he went to fetch the family's cows and try to bring them along. He told her he would catch up with her in Bangladesh. So she fled across the border hiding for long periods in water with her three small girls until she reached the sprawling and rapidly emerging makeshift shelters in Bangladesh. But a few days after Lila arrived in Bangladesh, neighbors arrived with the news that her husband's body had been found in a river, with a gunshot wound through the back of his head.

It was an account all too familiar to the Rohingya with whom I spoke in Bangladesh. Numerous similar accounts have been collected by groups like Human Rights Watch, Amnesty International, and Fortify Rights. The Arakan Project, a group with a network of monitors throughout Rakhine State has described the attacks as systematic. Sometimes it is soldiers destroying the villages. Sometimes it is local ethnic Rakhine vigilantes setting the fires. And other times it is a mix of the two. Satellite images show clear patterns of destruction, vast swaths of burned villages in line with the accounts repeatedly told by Rohingya refugees; Rohingya neighborhoods burned to the ground while nearby non-Rohingya neighborhoods remain untouched. The Myanmar government claims the fires were started by the Rohingya themselves, but provides no proof. It also refuses access to any outside observers, most notably the fact-finding mission established by the UN Human Rights Council to investigate similar abuses widely reported in the last months of 2016, begging the question of what they are trying to hide.

The Border Guard Patrol across the border in Bangladesh has described hearing and seeing what they determined to be mortar fire in areas where fleeing civilians had congregated. The Government of Bangladesh has lodged official complaints about the laying of land mines along the Myanmar side of the border. And we've received credible reports that those land mines are being laid further inside the country around Rohingya villages.

What the hundreds of thousands of Rohingya fleeing to Bangladesh describe are no less than crimes against humanity perpetrated by a military already with a troubling track record. And the UN High Commissioner for Human Rights came to the clear conclusion that what is unfolding "seems to be a textbook example of ethnic cleansing." We certainly agree.

A Humanitarian Crisis in Bangladesh

The actions of the Myanmar military have also created a humanitarian crisis as aid efforts in Bangladesh, which was already home to 300,000 to 500,000 Rohingya who had fled past bouts of violence and persecution, have been quickly overwhelmed. When I visited Bangladesh a few months ago, the government and international agencies were still grappling with the influx of some 87,000 Rohingya from attacks that had taken place over the last months of 2016, including makeshift settlements of tens of thousands that popped up in the course of a week.

On my most recent visit, which ended last week, the explosion of refugees was startling. Masses of people lined the roads in and around new makeshift settlements popping up in real time. Women and children dragged bamboo poles and tarps, wading through ankle deep mud to build new shelters. Hills and swaths of land that had been completely green were stripped and overrun

by new arrivals, desperate for some kind of shelter from the steady rains of the monsoon season after days fleeing on foot.

The government of Bangladesh, to its great credit, has taken an overall welcoming stance. The government has announced plans to build more than 14,000 shelters on 2,000 acres of land. It has begun to register new arrivals and provide biometric identity cards, with technical assistance provided by the UN Refugee Agency (UNHCR). Serious concerns with implementation of plans, both in terms of building of adequate structures and providing freedom of movement remain and must be addressed, but in its overall response to such a crisis Bangladesh has been on the right side of history. It will be vital that the government work with international agencies, including UNHCR, the International Organization for Migration (IOM), and international NGOs to ensure proper coordination, building of shelter according to global best practices, and adequate provision of not only food, sanitation, and medical care, but also psychosocial and other support specific to victims of gender based violence. I would also like to highlight that in RI's previous report we noted the heightened risks of human trafficking cited by several humanitarian officials. With the new influx, those risks will only be further heightened.

The needs are overwhelming. The support and solidarity of the global community is sorely needed. The announcement of \$32 million in humanitarian aid by the United States was a welcome shot in the arm, but much more is needed. IOM has released a flash appeal for \$26.1 million as part of a gap of \$77 million identified as needed through the end of this year by the Inter Sector Coordination Group, the coalition of agencies coordinating the humanitarian response in Bangladesh. UN High Commissioner for Refugees Filippo Grandi just visited the makeshift camps for Rohingya in Bangladesh, and has stated that UNHCR will need \$200 million for the next 6 months to address the humanitarian crisis.

And this is before mentioning the hundreds of thousands of Rohingya remaining inside Rakhine State, many blocked off from any kind of aid. Even before the attacks started, UNICEF was estimating 80,000 children under the age of five were facing acute malnutrition.

Addressing the Root Causes

Ultimately, the only true solution to the enduring misery of more than 400,000 Rohingya people in Bangladesh is addressing the root causes of their flight, the actions of the military in Myanmar.

The only way to address the root causes is to address the actions of those bearing greatest responsibility. So I would like to take a moment to discuss the actions and roles of the Myanmar military, civilian leader Aung San Suu Kyi, and the international community.

First and foremost, the Myanmar military led by Senior General Min Aung Laing is directly responsible for this crisis. It is Myanmar soldiers and their leadership who are both the primary actors in perpetrating serious human rights abuses taking place and those in the strongest position to bring them to an end. As described earlier, there are numerous eye witness accounts from Rohingya who have fled to Bangladesh identifying men in Myanmar army uniforms attacking their villages, burning their homes, and stabbing or shooting their loved ones. These accounts are

fortified by video and satellite evidence and the accounts of Bangladesh Border Guards observing fleeing masses, gunfire, and burning villages from across the border. The Myanmar military continues to refuse to allow outside access to areas of Rakhine State affected by the violence.

A second level of responsibility lies with the civilian leadership of Myanmar, with Aung San Suu Kyi as its *de facto* head. A lot has been said about the limits she faces with a military that continues to wield enormous influence in the country, controlling much of the economy, guaranteed 25 percent of parliamentary seats under a constitution they crafted, and with primary authority over the security operations taking place. Much has also been said about the anti-Rohingya sentiments that pervade the vast majority of the population in Myanmar, making it a politically tenuous position to speak out about the rights of the Rohingya. All that is true. But it must also be recognized that Suu Kyi is not powerless. She has a prominent voice in the international community and among the domestic masses that overwhelmingly supported her in the last elections.

Mr. Chairman, I do not need to remind you and your colleagues in Congress about the enormous efforts the U.S. Congress has undertaken on behalf of Suu Kyi, when she languished under house arrest or when she was attacked while campaigning. Under the leadership of the late Tom Lantos, the distinguished former Chairman of this Foreign Affairs Committee, the United States Congress imposed comprehensive sanctions against the previous military regime, in support of the very National League for Democracy (NLD) leaders who are in power today. Suu Kyi was even awarded the Congressional Medal of Honor. Yet, many of her supporters are asking where her voice is today on the abuse of the Rohingya.

Yet, she has not simply been silent. She has rejected the UN fact-finding mission, and said or allowed those representing her to spread dangerous and unfounded allegations that have served to stoke tensions. For example, when World Food Programme nutrition biscuits were found in insurgent camps, Suu Kyi's office posted photos citing it as evidence that international NGOs are supporting terrorism, a baseless allegation that has endangered international aid workers trying to supply lifesaving assistance to those most in need. Just a few days ago an aid truck of the International Federation of the Red Cross was attacked by an angry crowd of Rakhine villagers.

In her first address to the world on the Rohingya crisis on September 19th, Suu Kyi expressed ignorance as to why at least a third of the entire Rohingya population of Myanmar fled within the span of just three weeks, made no mention of credible reports of massive violations of human rights against the Rohingya community, and asserted that all people in Rakhine state have access to education and healthcare services without discrimination. She further declared that "[m]ore than 50 percent of the villages of Muslims are intact" as if destruction of Rohingya villages was somehow acceptable as long as the level was less than 50 percent. Yes, Aung San Suu Kyi's power is constrained, but she is not without a voice, and so far, that voice has largely served to defend actions that are patently indefensible.

The third level of responsibility is that of the international community, specifically its political leaders, and in the particular context of this hearing, the responsibility of the United States government to speak out and act. As the crisis has worsened, more world

leaders have been speaking out. In remarks to the Security Council on Wednesday of last week, Vice President Pence stated that “President Trump and I...call on this Security Council and the United Nations to take strong and swift action to bring this crisis to an end and give hope and help to the Rohingya people in their hour of need.” Although this came more than three weeks after the crisis began, it was a welcome statement. But it will be largely meaningless if not followed by vigorous action on the part of U.S. officials.

As reflected by today’s hearing, there has also been congressional interest in this tragedy, and I note that draft language in the Senate that provided for expanded military to military relations between the United States and Myanmar has been effectively scrapped.

But the actions that have been taken thus far are wholly inadequate, and much more pressure is needed to put an end to the ongoing violence.

There are several steps the U.S. Congress can and should take to address the ongoing tragedy.

The Congress should:

- Prohibit military to military cooperation with Myanmar until abuses are ended and individuals involved in planning, aiding or carrying out such abuses against the Rohingya are held accountable.
- Place targeted sanctions on Senior General Min Aung Hlaing and other senior military officials and military-owned enterprises and urge the Trump Administration to list them on the Specially Designated Nationals (SDN) list until the gross human rights abuses taking place are brought to an end and those responsible are held accountable.
- Press the Trump Administration to work through the UN Security Council toward open debate on the Rohingya crisis in Myanmar with a strong statement calling for cessation of abuses, access for the fact-finding mission, and imposition of measures with real consequences including:
 - Targeted sanctions on Senior General Min Aung Hlaing and other senior military officials and military-owned enterprises;
 - A multilateral arms embargo on Myanmar;
 - Authorization of evidence collection toward holding accountable those responsible for gross human rights abuses.
 - Support for a referral to the International Criminal Court unless the Myanmar authorities take significant measures to address the human rights concerns and to hold accountable those responsible for gross human rights abuses.
- Demand unfettered international humanitarian access to Rakhine State.
- Support robust humanitarian aid efforts in Bangladesh in the near term with the aim for eventual safe and voluntary return of Rohingya to Myanmar.
- For long term solutions, endorse and push for progress on the recommendations of the Advisory Commission on Rakhine State led by former UN Secretary General Kofi Annan.

Critics of an approach involving sanctions may warn that such actions will endanger Aung San Suu Kyi’s efforts to build toward a democratic transition, or may prompt the military to take

more drastic measures against the civilian government or against the Rohingya community. It is true that sanctions must be used carefully and cautiously to avoid unintended consequences. It is also true that sanctions are no silver bullet. Nonetheless, RI strongly believes that they are a necessary part of an effective response to the current horrors. The alternative is to stand aside while ethnic cleansing and crimes against humanity unfold. Already one third of the Rohingya population has been forcibly displaced from their homes in Myanmar. If the estimates amid the chaotic exodus are correct, there are now more Rohingya in Bangladesh than there are remaining in Myanmar. How bad does it have to get?

Allow me to end with a personal reflection. When I started getting desperate warnings that something new and disastrous was unfolding, when I started receiving horrific videos taken by credible sources, and heard of the desperate masses descending on the Bangladesh border, I couldn't help but feel shades of Rwanda, Bosnia, and Darfur. Before 1994, hardly anyone knew where Rwanda was. Before 1995, hardly anyone had heard of Srebrenica. Before 2004, hardly anyone had heard of Darfur. The more this plays out, the more I fear that is exactly the road we are going down. Years later we all look back at those tragedies and wonder what could have been done to prevent them. Let's not allow the treatment of the Rohingya to become the Rwanda, Srebrenica, or Darfur we all look back upon with the same question.