

**ASSESSING U.S. POLICY TOWARDS BURMA:
GEOPOLITICAL, ECONOMIC, AND
HUMANITARIAN CONSIDERATIONS**

HEARING

BEFORE THE

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ASSESSING U.S. POLICY TOWARDS BURMA: GEOPOLITICAL, ECONOMIC, AND HUMANITARIAN CONSIDERATIONS

TUESDAY, OCTOBER 24, 2017

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 10:00 a.m. in Room SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Risch, Gardner, Young, Cardin, Shaheen, Murphy, Kaine, Markey, Merkley, and Booker.

OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE

The CHAIRMAN. The Foreign Relations Committee will come to order.

I want to thank each of you for being here. We thank you. It is very timely.

In 2009, the Obama administration shifted the direction of U.S.-Burma policy, taking a leap of faith that an approach combining engagement and pressure would help usher in democratic reform where sanctions alone had failed. Although many were skeptical of such a shift, Burma's 2010 elections provided an opportunity to test the credibility of a more proactive engagement approach.

And in the ensuing years, the United States worked to balance engagement with the military junta and the democratic grassroots movement. Undoubtedly, this engagement strategy had a positive effect on the trajectory of Burma's democratic reforms, including the 2015 election that brought the democratic opposition to power.

And while the 2015 election was historic, Burma's democratic transition has been a work in progress. Along with its complex ethnic and cultural history, the Burmese military continues to control key ministries and large swaths of the economy, which is why there was some concern in 2016 when the Obama administration unilaterally rolled back most of the restrictions on U.S. engagement with Burma.

A year into this new policy, the question is was this too soon. The Burmese economy remains weak, and projected flows of U.S. investment have not materialized. Human rights regulations are untouched. Structural reforms have not progressed, and the peace progress is stagnant.

In recent weeks, we have also witnessed the appalling images of atrocities being committed by the Burmese military against the Rohingya minority. Hundreds of men and women and children systematically killed, hundreds of thousands of people fled as their homes burned.

We continue to hear the truly heartbreaking accounts of human suffering. International frustration at the Burmese Government's failure to protect such atrocities is even more heightened given decades of hopes staked upon the de facto leader, Ms. Aung San Suu Kyi. Of course, our first priority must remain the humanitarian situation, including a half a million men, women, and children who fled to Bangladesh.

I also think we should not shy away from an honest assessment of the direction of U.S. policy towards Burma. Last year, I raised specific concerns with Ms. Suu Kyi about her government's treatment of the Rohingya, one of the most vulnerable populations to human traffickers around the world. And I publicly shared my shock and dismay at her dismissiveness of these concerns, an attitude she has maintained even in the face of an unfolding humanitarian crisis and mounting international criticism. Her failure to acknowledge the seemingly systematic campaign of brutality by the Burmese military continues to undermine the civilian and Burma's democratic transition as a whole. The United States should not abandon Burma. However, it may be time for a policy adjustment.

I hope to have a candid conversation here today about the trajectory of current U.S. policy towards Burma, including the role that Congress can play in encouraging democratic reform and addressing humanitarian efforts.

I want to thank you again for being here.

I think it is Merkley's birthday today. Is that right?

Senator MERKLEY. Yes, Mr. Chairman. I cannot believe I am a year older.

The CHAIRMAN. I could tell that you were not paying attention to my opening statement, and I just want to know if you would listen.

And I understand you are getting ready to take also a CODEL to Burma. Is that correct?

Senator MERKLEY. We are certainly hoping to put that together. I would like to invite all the members of the committee to join us.

The CHAIRMAN. To our distinguished ranking member, Senator Cardin. Thank you.

STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM MARYLAND

Senator CARDIN. Well, to Senator Merkley, first of all, happy birthday. And you really know where to go to celebrate a birthday. So we appreciate your willingness to take that trip.

Mr. Chairman, thank you so much for holding this hearing.

Now it is Burma, another country that is committing ethnic cleansing, another country under the watch of the international community that is allowed to perpetrate an atrocity. Make no mistake about it. Atrocities are taking place in Burma. We have a humanitarian crisis. We have perpetrators who expect impunity, and there is no reason to doubt that in fact that may, in fact, occur.

This is ethnic cleansing. I know that the administration is evaluating that as we are holding this hearing. Ethnic cleansing, as defined by the United Nations Commission of Experts, is “rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from an area.” Half of the population of the Rohingyas in Burma have left, 600,000 out of 1.2 million. There has been a systematic burning of their villages.

This did not just start. It has been a campaign that has gone on for a long period of time since the 1982 law denies them citizenship even though they have been residents for generations. They are denied freedom of movement. They are denied freedom of education. They are denied health care. This has been a systematic effort to destroy an ethnic community.

And once again, we see this happening, and once again, the expectation is, well, it is far away. We will just let it go along.

We got to be outraged about what is happening. We need to see the international community come together and say, no, we will not let this continue, that we hold those accountable that are responsible, that we will provide the humanitarian need immediately, that we will stop this type of conduct in a civilized society. It cannot occur.

Yes, I think it is genocide. I know there will be some discussion about it, whether it is genocide or not. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part. That is what is happening. They are trying to destroy the population. People are arguing intent. What else are they doing this for other than the purity of their country and their lack of tolerance for a minority population?

For decades, the Burmese Government has systematically oppressed the Rohingya people. That is the fact. And they have deliberately failed to integrate the population into the general population.

As U.N. High Commissioner of Human Rights Zeid correctly stated, the decades of persistent and systematic human rights violations have almost certainly contributed to the nurturing of violent extremism with everyone ultimately losing. They complain about extremism. They are creating it.

In my opinion, we are witnessing a military-sponsored ethnic cleansing campaign on the Rohingya, and it will take significant engagement from the international community at the highest levels, in partnership with the Burmese civilian, to address and to hold perpetrators accountable for these horrific acts.

Unfortunately, the Rohingya crisis is not the only vexing challenge Burma faces. The Burmese military continues to hold significant influence in politics and in the economy. The peace process, which we sought to end the longstanding civil war in the country, has stalled. There are significant reports of human rights issues such as human trafficking, free speech infringement, and political repression.

The chairman is right. The State Counsellor was here. She is an impressive person, but she is not taking on the challenge. She is not responding to the crisis in her own country. The military controls Burma today. That is unacceptable. That is why we imposed

sanctions because of military control. Sanction relief was given for what? So people can be ethnically cleansed?

I agree with the chairman. We need to not only reevaluate. We need to have a policy in regards to Burma that we understand, that addresses these human rights violations, that reevaluates our position as far as having normal relations with Burma and the release of our sanctions.

The President will be attending the ASEAN summit very shortly. Will he be mentioning Burma and human rights as a top priority during this trip? I certainly hope so.

And, Mr. Chairman, I do want to compliment the Bangladesh Government for keeping the borders open. That has been one bright spot. But there is a humanitarian crisis of the refugees in Bangladesh that we all have to respond to.

So I am looking forward to hearing from our witnesses. I thank each of them. They all have very distinguished records, and I have great confidence in their expertise on the subject. But I do notice that on a subject as important as this, it would be nice to have at least one witness that was confirmed by the Senate that brings that degree of importance from the administration on this subject.

And lastly, I would ask consent that numerous statements from NGOs about this situation be made part of the record.

The CHAIRMAN. Without objection.

[The information referred to above is located at the end of this hearing transcript.]]

The CHAIRMAN. Senator Cardinb, thank you for your strong opening statement. You and I were together I guess at Vice President Biden's home when it was very evident that the titular head, if you will, of the country just was very dismissive as it relates to this whole group of people.

Senator CARDIN. Particularly on the trafficking issue, which I remember you brought up, there was no reality at all that was going on.

The CHAIRMAN. Our first witness is Mr. Patrick Murphy, Deputy Assistant Secretary for the Bureau of East Asian and Pacific Affairs at the Department of State. Thank you, sir, for your service.

Our second witness today is Mr. Mark Storella, Deputy Assistant Secretary for the Bureau of Population, Refugees, and Migration at the Department of State. Thank you for your service, sir.

Our third witness is Ms. Kate Somvongsiri. That was an approving smile. I did that correctly. Thank you. Acting Deputy Assistant Administrator for the Bureau for Democracy, Conflict, and Humanitarian Assistance at the U.S. Agency for International Development. Thank you for your service.

If each of you could summarize in about 5 minutes, any written materials you have will be entered into the record, without objection. We thank you again for your service and helping us with this difficult issue. And if you would just go in the order introduced, that would be great. Thank you.

STATEMENT OF W. PATRICK MURPHY, DEPUTY ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Mr. MURPHY. Chairman Corker, Ranking Member Cardin, distinguished members of the committee, Burma has emerged from a decades-long struggle to defy authoritarian rule and to transition to a democratic society. However, a devastating humanitarian crisis in Rakhine State has exacerbated the suffering of ethnic Rohingya and other populations and threatened this otherwise peaceful transition, as do other longstanding challenges that the elected authority, civilian authority, inherited a mere 16 months ago.

Although the new is committed to ending conflicts and improving the prospects for all the diverse populations of Burma, today's hearing illuminates the fragility of this democratic transition.

On August 25th, Rohingya militant attacks on Burmese security forces and subsequent violence and massive displacement occasioned by the military's disproportionate response have created a crisis that demands our undivided attention. Our efforts seek to end the violence, support the displaced and their return home, obtain accountability for atrocities, and address the perennial conditions that sparked this most recent, colossal population movement of over 600,000 people to Bangladesh and several hundred thousands internally.

President Trump has discussed the situation with other leaders. Secretary Tillerson called State Counsellor Aung San Suu Kyi to reaffirm support for the emerging democracy and towards action on this crisis. Vice President denounced the military's heavy-handed response at the U.N., where Ambassador Haley called for an international role in ending the violence. Our Ambassador in Burma has engaged and military leaders. I visited Burma since the start of this crisis, including Rakhine State, and met with Aung San Suu Kyi, other government and military figures, and displaced populations.

We have consulted with many countries, including Burma's ASEAN neighbors. Our collective message to Burma stakeholders is clear: end the violence, protect civilians, expand humanitarian and media access, hold those guilty accountable, repatriate safely those who have fled, and cooperate with the international community. We have also encouraged collaboration between Burma and Bangladesh and Burma's coordination with U.N. agencies to overcome mistrust and missed opportunities for international help.

Although the crisis persists, our engagement is yielding some results. On October 12th, Aung San Suu Kyi laid out goals for repatriation and humanitarian assistance, resettlement, and peace and development. We are engaging with her government to implement its commitments to reach these goals. Burma recently sent a senior official to Bangladesh to discuss return of refugees to Burma and more senior contact is scheduled this week.

A top U.N. official visited Burma last week to address the U.N. response to the humanitarian and human rights aspects of the crisis.

I traveled to Singapore, Thailand, and Vietnam. Other senior U.S. Government officials have engaged across the region, building

support for constructive diplomatic engagement. We welcome ASEAN's decision to activate its own humanitarian assistance mechanism for Rakhine State.

As we engage Burmese stakeholders and others, we know that a prerequisite to repatriation is assurances of security. Accordingly, the Department of State has identified and announced new and ongoing actions to pursue accountability for those who have committed violence including, among other measures, suspending travel waivers for military leaders, assessing JADE Act authorities to consider economic options available to target individuals associated with atrocities, finding that all units and officers involved in operations in northern Rakhine State are, pursuant to the Leahy law, ineligible for U.S. assistance programs, rescinding invitations for Burmese security leaders to attend U.S.-sponsored events, maintaining an embargo on military sales, consulting on accountability options at the U.N., the Human Rights Council, and other venues, pressing for access for the U.N. fact-finding mission, and exploring accountability mechanisms under U.S. law, including global Magnitsky targeted sanctions.

While our immediate efforts must focus on the crisis, failure to address the long-term causes of instability in Rakhine State will only result in a future replay of this tragedy. It is thus crucial that we support Burma in implementing the recommendations of the Rakhine Advisory Commission led by former U.N. Secretary-General Kofi Annan to address under-development, shortcomings in services, access to justice, and a citizenship process for all people in Rakhine State.

An emerging democracy of 54 million people, Burma is located between China and India. The country's success is important to us, to Burma's diverse populations, and to the region. Burma's longer-term viability depends on civilian control over the armed forces and other reforms to end violence and the potential for international terrorism, the very ingredients associated with the current crisis and other ongoing conflicts.

We must also find ways to support those courageous voices within government and society who seek a better future. In doing so, we look to partner with Congress on Burma, as we have done across successive administrations for decades.

Mr. Chairman, we thank this committee for its leadership and bipartisan collaboration.

[Mr. Murphy's and Ambassador Storella's joint prepared statement follows:]

PREPARED STATEMENT OF W. PATRICK MURPHY AND MARK C. STORELLA

Chairman Corker, Ranking Member Cardin, distinguished members of the committee, we appreciate the invitation to appear before you today to testify on the devastating human tragedy that continues to unfold in Burma's troubled and complicated Rakhine State. Violence and insecurity have exacerbated the longstanding suffering of ethnic Rohingya and other minority populations, created a massive displacement of populations internally and across the border, led to a humanitarian crisis in neighboring Bangladesh, and threatened to undermine Burma's substantial gains in recent years on its fragile transition from a half century of authoritarian military rule to elected government, including efforts to end multiple armed conflicts and achieve a long elusive national peace.

We are grateful for the opportunity to update you on the current humanitarian situation facing those affected by the crisis, describe what the U.S. Government is

doing through diplomatic engagement and the targeting of life-saving aid to address this situation, discuss the challenges the international community faces in delivering humanitarian assistance, and discuss next steps to achieve an end to the violence and restoration of security for affected populations.

Current State of Play

We'd like to start by highlighting the latest developments since our testimonies to the House Foreign Affairs Committee on October 5. First, current estimates indicate some 589,000 people, mostly ethnic Rohingya, have fled to Bangladesh since the crisis began. These movements reflect a slowing rate of displacement, but nonetheless the continued flight of vulnerable populations. Refugees continue to cross into Bangladesh, and we continue to receive credible reports of sporadic violence in northern Rakhine State, including vigilante action such as arson and threats of physical harm to ethnic Rohingya. Reputable international NGOs have reported new satellite images that reveal nearly 300 villages were partially or completely destroyed by fire since August 25—more than half of the approximately 470 Muslim villages in northern Rakhine State. We have all seen the heart wrenching coverage of those refugees arriving in Bangladesh, having lost all their property and in some cases family members, and having suffered great insecurity, fear, indignity, and abuses as they fled for their lives.

Although some population movements continue and security has not been fully re-established in northern Rakhine State, most reports indicate that our efforts, working with others in the international community, to communicate our concerns directly with Burmese civilian and military authorities and at the United Nations and other fora have helped to decrease the scope of violence in recent weeks. On October 12, State Counsellor Aung San Suu Kyi gave a second public address on the crisis. She laid out three goals for Rakhine State: (1) repatriation of those who have crossed over to Bangladesh and providing humanitarian assistance effectively; (2) resettlement of displaced populations; and (3) economic development and durable peace. Burma has created a funding mechanism to pursue these goals with World Bank support. The Burmese Government also implemented a mechanism to coordinate its cooperation with the international community to address challenges in Rakhine State. Aung San Suu Kyi will chair this effort, but at the current time humanitarian and media access to affected areas of northern Rakhine State remains limited. At the same time, Bangladesh and Burma have entered into bilateral discussions on how to facilitate safe and voluntary return of refugees to Burma, a dialogue that we fully support.

The sources of renewed crisis this year in Burma's Rakhine State include coordinated August 25 attacks on security forces and other violent acts carried out by the Arakan Rohingya Salvation Army, a group of Rohingya militants; a disproportionate Burmese military response to those attacks; violence perpetrated by local vigilantes, often acting in concert with security forces; and insecurity for local populations. These developments have taken place against a backdrop of broad discrimination, repression, and violence against ethnic minorities in Rakhine State over many decades. The current crisis, now underway for two non-stop months, has exacerbated longstanding challenges for these vulnerable minorities, including, most acutely, members of the Rohingya community who lack basic rights, including recognition as a nationality and, for many, even citizenship.

The violence in Rakhine State has devastated vulnerable populations and caused families and unaccompanied minors to flee. This almost unprecedented population movement has worsened a desperate humanitarian situation in Bangladesh, which already provides safe haven for hundreds of thousands of Rohingya who fled previous crises in Rakhine State. Approximately 87,000 had fled there in 2016 following separate violence last year, joining an estimated 200,000–500,000 undocumented Rohingya and over 33,000 registered Rohingya already living in southeastern Bangladesh for over two decades. With this last round of displacement, the Rohingya population in southeastern Bangladesh is now estimated to be between 800,000 and one million persons. There is a similar population crisis inside Rakhine State, where the precise number of internally displaced persons (IDPs) remains unknown due to ongoing population movements, limited humanitarian access, and a lack of official estimates. In September, the Rakhine State Government estimated the current crisis had created approximately 200,000 new IDPs; however, many of those displaced persons have since crossed into Bangladesh. Prior to the August attacks, 120,000 IDPs from various ethnic populations, including Rohingya as well as ethnic Rakhine, had already been living in camps following intercommunal violence in 2012.

Diplomatic Engagement

The suffering of so many calls all of us to action. Secretary of State Tillerson stated last week that “the world can’t stand idly by and be witness to the atrocities that are being reported.” This administration is undertaking all efforts to end the violence and suffering immediately. Our most pressing objectives are achieving protection for all local populations and meaningful, durable solutions for those who have been displaced, including the chance to go home again voluntarily, in safety, and with dignity when conditions permit.

We have made it clear to Burmese civilian and military officials at the highest levels, within the central government and in Rakhine State itself, that all stakeholders must end the violence, respect the rule of law, cease displacement, pave a path for Rohingya and others to return voluntarily to their homes, and hold accountable those responsible for violations and abuses. We have expressed alarm about continuing reports of violence perpetrated by security forces, as well as of civilian vigilantes operating outside the rule of law in committing arson attacks on Rohingya homes and blocking humanitarian assistance to many populations. Secretary Tillerson observed last week that “someone will be held responsible” for these acts.

We have communicated to relevant authorities that those who have fled to Bangladesh or are otherwise internally displaced in Burma must be able to return home voluntarily—and we welcomed State Counsellor Aung San Suu Kyi’s re-affirmed commitment in her October 12 speech that Burma would allow them to return. Much depends on how quickly it will be possible to establish conditions that make repatriation possible and safe and the precise way in which people are repatriated. We cannot ignore that vulnerable people fled to Bangladesh because they felt it was unsafe for them to stay in Burma. Unless Burmese security forces create a secure environment for all populations, it would be unreasonable and unwise to expect or facilitate their return. We are encouraging closer communication between Burma and Bangladesh. A senior Burmese delegation traveled to Dhaka on October 2 and the two sides agreed to form a joint working committee on repatriation.

Principals in our government have been strongly engaged on this issue. President Trump has discussed the situation with multiple leaders from Southeast Asia. Secretary of State Tillerson called Aung San Suu Kyi to urgent action. Vice President Pence denounced the Burmese military’s disproportionate response in his remarks at the United Nations. USUN Ambassador Haley spoke at an open Security Council meeting and called for an international role in ending the violence. National Security Advisor McMaster and other officials spoke with the Burmese National Security Advisor. Our Ambassador in Burma has actively engaged top Burmese Government and military leaders throughout this crisis. In September, Deputy Assistant Secretary of State Murphy visited Burma, including Rakhine State, and met with Aung San Suu Kyi as well with other national and state government and military figures. All U.S. officials have urged authorities and stakeholders in Burma to protect civilians, pursue accountability, and cooperate with the international community, and made clear that this crisis has implications far beyond Rakhine State. We are also engaging and consulting with ASEAN member states, the European Union, international organizations, and many others on the crisis.

Rakhine State Crisis Humanitarian Challenges

The humanitarian challenges before us are many. Our focus is on: (1) gaining access for assistance in Rakhine State; (2) working with host governments in the region to ensure refugees are offered safe haven and treated with respect, and that host countries have what they need to help the refugees; (3) specific contributions made by the State Department in coordination with USAID; and (4) ensuring that U.N. and other humanitarian agencies have the support they need to respond.

Humanitarian Access

The number one humanitarian priority is gaining access to those in need in Rakhine State. Relief agency access to many of the affected areas remains severely limited. As of October 10, the Government of Burma (GoB) had granted travel authorizations in northern Rakhine State only to Red Cross agencies. Although the GoB has granted some international NGOs travel authorizations to work in central Rakhine State, other government regulations and procedures are hindering INGOs from accessing all IDP camps and affected communities. In addition, safety concerns, a local climate of intimidation, and restrictions on movements prevent many local Burmese staff of these organizations from accessing those in need.

We take every opportunity to emphasize to Burmese officials at all levels of government the need to allow humanitarian assistance to those in need. The White House, State Department, and the U.S. Mission to the United Nations have issued

statements calling for immediate unhindered humanitarian access to all affected populations, including northern Rakhine State. The Government's commitment to do so is encouraging, but we seek further implementation on the ground.

We are working with international partners and stakeholders inside Burma to overcome challenges that have precluded humanitarian agencies and NGOs from reaching affected areas of northern Rakhine State. We have succeeded in securing Burmese Government cooperation for the Red Cross Movement (RCM) to deliver assistance, but they alone cannot assess or meet all of the humanitarian needs in Rakhine State. Specifically, the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (IFRC) are working with the Myanmar Red Cross Society to implement a response plan as the situation continues to evolve. ICRC has stressed to the Burmese Government that the RCM will not be able to address all needs and the U.N. agencies and international non-governmental organizations will also need operational space. We are also pressing for unfettered access for the U.N. Fact Finding Mission and other U.N. officials, media, and human rights organizations to this isolated part of Burma.

Working with Host Governments

We recognize the huge strain that the influx of refugees is currently placing on Bangladesh, as well as the concerns of other countries in the region such as India, Sri Lanka, and Thailand where displaced Rohingya and other Burmese minorities have fled in the past. It is essential that neighboring countries keep their borders open for those fleeing violence in Burma, and we will continue to emphasize this to those in the region, along with seeking ways to support governments hosting refugees.

Bangladesh has kept its border open, though it is concerned about its capacity to absorb so many refugees, in addition to security concerns related to the influx of so many vulnerable people in such a short period of time. We appreciate the generosity of the Government of Bangladesh to those fleeing the violence, many of whom arrived after walking for days and are in need of food, water, and medical care. They found official and makeshift camps already overstretched by previous influxes of refugees. International aid agencies are working to scale up operations and provide basic life-saving assistance to the new arrivals. The majority of those in need have little access to food, water, health care, and proper shelter. The ongoing monsoon season has exacerbated the situation, as flooding and poor infrastructure make aid delivery even more challenging. The U.N. issued a revised appeal with an estimated \$434 million required for emergency response in Bangladesh to meet needs through February 2018.

The Government of Bangladesh is working with U.N. agencies and the international community to provide temporary shelter and protection. Bangladesh has now donated 3,000 acres of land and is working with U.N. agencies to establish needed infrastructure to support the refugee population. The Government has also initiated a registration process to document the Rohingya population in southeastern Bangladesh and provide individuals with identification documents that we hope will facilitate access to services and protection. Since September 11, the Ministry of Home Affairs has conducted biometric registration of over 100,000 refugees with UNHCR's assistance. In every meeting with Bangladesh officials, we thank them for allowing refugees to cross and we discuss ways to support Bangladesh as the Government upholds humanitarian principles while balancing its own security concerns. We also urge Bangladesh to provide the necessary access to humanitarian organizations to that they can provide life-saving aid.

Humanitarian Assistance

In addition to our diplomatic engagement, the United States is providing humanitarian assistance through our U.N. and international organization partners to help vulnerable populations affected by the Rakhine State violence. The United States continues to be the global leader in providing assistance to people in need in Burma and throughout the region. Thanks to support from Congress, in FY 2017, the United States contributed nearly \$104 million in assistance to displaced populations in Burma and for refugees from Burma in the region. Of this funding, the State Department's contributions totaled nearly \$76 million, including nearly \$34 million in emergency assistance to respond to this latest crisis.

This funding provides life-saving assistance to meet critical humanitarian needs, such as food, non-food items, shelter, water, sanitation, and health both inside Burma and in host countries through trusted humanitarian partners including the U.N. High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the U.N. Children's Fund (UNICEF), and international non-governmental organizations, among others. These agencies are a key part of the inter-

national humanitarian system that is governed by humanitarian principles and brings technical expertise and operational capacity to respond quickly and effectively to large-scale crises such as this.

Humanitarian Coordination

In addition to funding levels, the region's capacity to handle the humanitarian crisis is dependent on the capacity of the U.N.-led humanitarian response, including deployment of emergency response experts and adequate staffing levels. In Bangladesh, we continue to advocate with U.N. coordinating agencies to increase expert technical staff on the ground and strengthen the coordination structure supporting implementation of the response plan. In a refugee crisis such as this, UNHCR holds the global protection mandate; however, in Cox's Bazar, UNHCR's role to date has been limited by the Government. The Government has recently increased cooperation with UNHCR and approved its role in leading protection services. This will help improve conditions in Cox's Bazar, including through increased information on the number and needs of refugees and coordination in responding to the most vulnerable individuals. Government constraints on funding to experienced international NGOs and delays in approving their permit applications have limited the INGOs' ability to access emergency funds and assist all those in need. In some displacement sites, strained water collection points, lack of adequate sanitation facilities, and high population density have raised concerns regarding the increased risks of disease outbreaks. Humanitarian partners are engaging in disease prevention activities and diligently treating cholera patients in coordination with government authorities. We will keep up pressure to ensure seamless coordination and strategic vision for the response in Bangladesh.

Long-Term Challenges

In addition to pressing for immediate action to end violence and meet humanitarian needs, we are also supporting the Burmese elected government's efforts to address inherited challenges in Rakhine State. The Government established the Rakhine Advisory Commission, led by former U.N. Secretary General Kofi Annan, which in August produced a set of recommendations for addressing the complex issues in Rakhine State that have ignited many crises over past decades. Kofi Annan urged the U.N. Security Council on October 13 to push for the return to Burma of Rohingya refugees, reiterating that world powers must work with the country's military and civilian leaders to end the refugee crisis. The Commission's recommendations provide valuable ways forward in addressing underdevelopment, shortcomings in government services, access to justice, and ensuring a credible, transparent citizenship process for all people in Rakhine State. The Government of Burma has committed to implementing the recommendations, and established mechanisms to do so. We must support and encourage these efforts, and in particular press the Burmese armed forces to support its civilian elected governments in implementing all of the recommendations.

The U.S. Government's overarching policy response also includes efforts to discourage the serious human rights abuses we have seen, identify potential means to hold accountable those responsible for such abuses, increase appreciation inside Burma for tolerance and human dignity, encourage the fragile democratization and processes in Burma, and further support economic development in Rakhine State and throughout the country. We will not do this alone. We are consulting with regional partners, members of the international community in international bodies like the United Nations, and courageous voices inside Burma who want human dignity for all who reside in that country and a peaceful and stable future.

Conclusion

For decades, Congress and the U.S. Government have worked closely together on Burma as partners. In particular, we thank this Committee for its leadership and bipartisan collaboration. Together, we supported Burma's democracy movement through the dark days of repressive military rule, and together we supported a military reform government's transition toward democracy.

It is in our interests, and those of the diverse populations of Burma, including Rohingya, to see the new, elected government succeed. The current crisis in Rakhine State has exposed the fragility of that democratic transition. Greater civilian control over, and professionalization of, the armed forces is needed, as are reforms that will bring an end to the military's heavy-handed tactics that have fueled violence across Burma since independence. The democratically-elected government, security forces, local community leaders, and populations across the country all must calm tensions, end the violence, and secure the safe, voluntary, and dignified return of all those displaced. Only then will there be a chance for lasting peace and change in Rakhine State and across the country as a whole.

In conclusion, Mr. Chairman and members of the committee, we are strongly engaged to bring an end to this major crisis and to find lasting solutions to the long-standing challenges in Burma's Rakhine State and beyond. U.S. Government humanitarian assistance provides an important lifeline until this possibility becomes reality. We are grateful for the generosity of Congress and the American people who make our assistance possible. We will look to Congress, as we always have, as an essential partner in these efforts.

Thank you. We are ready to answer any questions you have.

The CHAIRMAN. Thank you very much.
Mr. Storella?

STATEMENT OF HON. MARK C. STORELLA, DEPUTY ASSISTANT SECRETARY, BUREAU OF POPULATION, REFUGEES, AND MIGRATION, U.S. DEPARTMENT OF STATE, WASHINGTON, D.C.

Ambassador STORELLA. Chairman Corker, Ranking Member Cardin, distinguished members of the committee, thank you for inviting us to this important hearing. I am grateful for the opportunity to update you on how the U.S. Government is targeting life-saving humanitarian assistance and on the challenges we face ahead.

The violence in Rakhine State continues to devastate vulnerable populations within Burma and cause families, mostly women and children, to flee for their lives. The attacks on August 25th and the violent reaction that followed prompted more than 600,000 people to flee to Bangladesh, bringing the total number of Rohingya in Bangladesh to roughly 1 million people and forced further displacement inside Rakhine State itself. The magnitude and speed of this displacement make it one of the most dramatic humanitarian crises in decades.

In Burma, our number one humanitarian priority is gaining access to those in need in Rakhine State. Burma's civilian government has committed publicly and privately to provide humanitarian assistance to all communities in affected areas through the Red Cross Movement. The movement has stressed to the Burmese Government that it will not be able to fully meet humanitarian needs, and the U.N. agencies and international organizations and nongovernmental organizations will also need operational space. We emphasize at all opportunities to Burmese officials at all levels of government the requirement to allow humanitarian assistance to reach those in need.

We continue to press the government and the military, both publicly and privately, to end the violence, to protect the security of all communities, and to allow Rohingya refugees to voluntarily return to their homes after Burmese authorities ensure they can do so safely. The responsibility remains with Burma.

We greatly appreciate the Government of Bangladesh for opening its doors to those fleeing the violence, many of whom arrived after walking for days in need of food, water, shelter, and medical care. The monsoon season has exacerbated the situation as flooding has made aid delivery even more challenging. In every meeting with Bangladesh officials, we thank them for allowing refugees to cross into Bangladesh, and we urge them to uphold humanitarian principles while balancing their own security concerns.

In addition to our diplomatic engagement, the United States is providing humanitarian assistance through our U.N. and other hu-

manitarian partners to help vulnerable populations affected by the Rakhine State of violence. The U.N. issued a revised appeal with an estimated \$434 million required for emergency response in Bangladesh to meet needs only through the end of February 2018. Thanks to the support of this Congress, in fiscal year 2017 the United States contributed nearly \$104 million in assistance to displaced populations in Burma and for refugees from Burma throughout the region. Of this funding, the Department of State's contribution totaled nearly \$76 million, three-quarters of the total U.S. humanitarian response, including nearly \$34 million in emergency assistance to address this latest crisis. This allowed partners on the ground to respond immediately as thousands of refugees were arriving daily to the already established and newly established camps in Bangladesh. Our contributions provide lifesaving assistance, food, shelter, water, sanitation, health, and core relief items both inside Burma and in Bangladesh. We also target assistance for victims of gender-based violence and particularly for vulnerable children.

Yesterday, in Geneva, 35 countries pledged \$344 million to meet the ongoing need. The United States is not carrying this burden alone.

In responding to this crisis, the State Department's primary concerns are protection and achieving meaningful, durable solutions for those who have been displaced, including the chance to go home again in safety and dignity when conditions permit. The U.S. Government humanitarian assistance provides an important lifeline until this possibility becomes a reality.

Mr. Chairman, Ranking Member, we are grateful for the generosity of the Congress and the American people who make our assistance possible. We will make the best possible use of it.

Thank you and I would be happy to answer your questions.

The CHAIRMAN. Thank you, and thank you for your work.

Ms. Somvongsiri?

STATEMENT OF V. KATE SOMVONGSIRI, ACTING DEPUTY ASSISTANT ADMINISTRATOR, BUREAU FOR DEMOCRACY, CONFLICT, AND HUMANITARIAN ASSISTANCE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT, WASHINGTON, D.C.

Ms. SOMVONGSIRI. Chairman Corker, Ranking Member Cardin, members of the committee, thank you for inviting me to speak with you today.

The violence in northern Rakhine State has resulted in massive displacement and humanitarian needs both in Burma and neighboring Bangladesh. This is a humanitarian crisis that not only imperils the lives of thousands but also marks a decision point for Burma's political and military leadership with the whole world watching.

In response to the crisis, USAID is providing humanitarian assistance on both sides of the Burma-Bangladesh border. This humanitarian relief is in addition to our ongoing development assistance, which supports civil society, good governance, economic development, and the country's challenging peace process. Through these programs, we are working to address the underlying condi-

tions and fragility that helped create the cycle of violence, including this most recent crisis.

We are deeply concerned about the horrific human rights abuses. As we have discussed, more than 600,000 people have fled the recent violence and have sought refuge in Bangladesh. Given the enormity of this influx, stark challenges remain to adequately respond. The people fleeing over to Bangladesh, many women and children arrive, as you have heard, only with what they could carry. They require urgent lifesaving assistance, including safe drinking water, sanitation facilities, emergency food assistance, and shelter. Inside Rakhine State, there is also an unknown number of internally displaced persons in need of assistance.

In fiscal year 2017, the United States provided nearly \$104 million in humanitarian assistance for the displaced in Burma and the region, including in Bangladesh. Through USAID's Office of Foreign Disaster Assistance and Food for Peace, the agency provided nearly \$28 million of that assistance, and we expect to continue responding in fiscal year 2018.

In Burma, our main challenge is not the lack of resources but a lack of access. Since the August 25th attacks, many of USAID's partners were forced to suspend their work due to the military security operations in Rakhine State. Insecurity and government restrictions have prevented humanitarians from reaching people in need. False and misleading rumors about the Rohingyas, spread sometimes by official government information, have contributed to that volatility. We continue to call upon all parties to allow unhindered humanitarian access and we urge the government to allow media and human rights monitors to access and assess the afflicted area.

The United States has stood by vulnerable communities in Burma for decades. The country's recent emergence from decades of isolation and the establishment of a formal USAID mission in 2012 has allowed us to expand our development programs to more effectively support those in Burma who seek greater freedom, prosperity, and dignity. Today, USAID works in Burma to strengthen democratic institutions, foster a national reconciliation and peace, improve the lives of people of Burma by increasing the access to better health services and economic opportunities. And USAID continues to support an inclusive peace process and support civil society.

Let me be frank. The path we face ahead is by no means an easy one, and the development challenges in Burma are complex and deep-rooted. During this period of crisis, it remains in the U.S. Government's interest to continue our support for Burma's democratic transition while addressing the root causes of conflict in Rakhine and other parts of Burma. This support is critical to helping the civilian government of Burma to sustain the transition and deliver on the dividends of democracy that the people of Burma expect.

The latest violence has exacerbated the existing human rights and humanitarian crisis impacting the lives of thousands. We must be honest and forthright in the assessment of the situation and clear on what we expect as humanitarians and as Americans.

In the long term, our development efforts must continue to address the underlying drivers of the violence. But in the immediate term, until the conflict is resolved, we shall remain resolute in our efforts to alleviate the immeasurable suffering of the Rohingya and all affected communities. We call on all stakeholders to end the violence and seek a lasting resolution to this conflict.

Thank you for the opportunity to testify before you today, and I look forward to your questions.

[Ms. Somvongsiri's prepared statement follows:]

PREPARED STATEMENT OF V. KATE SOMVONGSIRI

Chairman Corker, Ranking Member Cardin, members of the committee, thank you for inviting me to speak to you today. Burma has come a long way in its transition to a free and democratic society, seeking to take its place in the global community. Initial steps to embrace reform are welcome, and we are committed to working with the people of Burma to create lasting economic, social, and democratic gains that benefit all. However, the ongoing humanitarian plight of the Rohingya casts a cloud over Burma's recent gains, and threatens to undermine the successes it has demonstrated.

As you have seen, the recent escalation in violence in northern Rakhine State has resulted in massive displacement and humanitarian needs both in Burma and across the border in neighboring Bangladesh. This is a rapidly growing humanitarian crisis, and the United States is responding to save lives. Recent events not only imperil the lives of thousands, but also mark a decision point for Burma's political and military leadership, with the world watching.

In response to the latest violence, USAID is responding on both sides of the Burma/Bangladesh border, providing humanitarian assistance where possible, helping host communities in Bangladesh cope with the influx of refugees and addressing intercommunal tensions in ethnically mixed areas of Rakhine in Burma, including areas not directly affected by recent violence. This humanitarian relief is in addition to our ongoing development assistance to the people of Burma, which includes support for civil society, good governance, economic development, and support for the country's challenging peace process. Through this work, we seek to address the underlying conditions and fragility that helped create this cycle of violence and the most recent crisis.

As a foreign service officer who lived on the Thailand-Burma border sixteen years ago working with migrants and refugees, Burma is for me, as I know many others, a special place that has influenced my path in international human rights and development. In my testimony, I will touch on how USAID is responding to in the current crisis, highlight some of the challenges we face in providing humanitarian assistance, and touch on the role of USAID's broader assistance to Burma.

Recent Developments

We are deeply concerned about the reports of horrific human rights abuses in northern Rakhine State and the resulting crisis developing across the border in Bangladesh. More than 600,000 people fleeing the recent violence in Rakhine, most from the Rohingya community, have sought refuge in Bangladesh. The pace of displacement is even faster than those fleeing Mosul, Iraq, or South Sudan over the past year. This population—many of them women and children, who came with little to no possessions and traveled for days to reach Bangladesh—are extremely vulnerable and require urgent, lifesaving assistance. There are also an unknown number of people from many communities who have been internally displaced—and are in need of assistance—inside Rakhine State, including 120,000 people who have been displaced since 2012. I don't use the term 'unprecedented' lightly, but it is fitting in this case.

While the immediate crisis has been triggered by a coordinated attack from the Arakan Rohingya Salvation Army (ARSA) on Burmese security outposts and disproportionate response by Burmese security forces and militias, the conditions for a large-scale crackdown on Rohingya have been developing for several years.

Our main challenge in responding to the humanitarian crisis in northern Rakhine State is not due to a lack of resources, but a lack of access. This is due to restrictions imposed by Burmese authorities, which prevent U.N. and international non-governmental organizations (INGOs) from providing much-needed humanitarian assistance. U.N. partners and international NGOs have not been allowed to provide assistance in the north, where abuses are occurring. Burmese officials have in-

structed local civil society groups that they are not permitted to provide assistance directly to Rohingya communities, and that all assistance to Rohingya will be managed by the government and Red Cross Movement organizations.

Assistance delivered directly by international groups, including the U.N. and INGOs, is not currently an option in Northern Rakhine State. We continue to call upon the Burmese Government and military to allow unhindered access for humanitarian access to resume across Rakhine State.

Burma

In Rakhine State, many of USAID's partners were forced to suspend their work due to the military's security operations since the August 25 attacks and they remain unable to gain access to northern Rakhine State. It's important to note, though, that humanitarian access throughout Rakhine State had become increasingly restricted even before the August 25 attack. Nevertheless, our partners have maintained a presence in Rakhine and many of our conflict mitigation and intercommunal conflict mitigation programs continue in areas outside of Northern Rakhine. Our humanitarian programs are ready to scale up activities when Burmese authorities permit access.

USAID partners have been able to resume limited life-saving assistance to people in central Rakhine State located in camps for internally displaced persons in Sittwe and Pauktaw. This includes nutrition, food, protection support for people vulnerable to trafficking and other human rights abuses, and water, sanitation, and hygiene services, which are largely managed by local staff. However, the security forces continue to prevent full humanitarian access to northern Rakhine state and full resumption of activities in other parts of the state. Some communities—such as internally displaced people (IDPs) dependent on humanitarian assistance—have missed more than two months of food distributions. The U.N. World Food Programme (WFP) is only now able to resume distributions, at a smaller scale and under heightened tensions. Additionally, insecurity, government restrictions, and local communities' enmity towards U.N. and NGO staff, including local staff, further inhibit access. False and misleading rumors about Rohingya, the level of threat presented by ARSA, and the role of the international community spread amongst local communities and fanned by official government and military information channels have contributed to the volatility of the present environment.

Rohingya in northern Rakhine State have long faced a history of violence, abuse and exploitation, and the humanitarian situation in Rakhine is routinely referred to as a protection crisis. Reports of atrocities are extremely troubling, and further demonstrate that humanitarian assistance and protection from further violence is urgently needed. We continue to call upon all parties to allow unhindered humanitarian access to people in need and we urge the authorities to allow media and human rights monitors access to the afflicted areas.

We also urge Burmese security forces to follow the lead of the elected government in committing to implement the Advisory Commission on Rakhine State's recommendations.

Humanitarian Response

Given the enormity of this influx, stark challenges remain to adequately respond. The people fleeing to Bangladesh arrive with what they could carry. They are in immediate need of safe drinking water, sanitation facilities, emergency food assistance, shelter, healthcare, and nutrition services. Poor conditions in displacement sites increase the risk of disease outbreaks.

In FY 2017, the United States provided nearly \$104 million in humanitarian assistance for vulnerable communities displaced in Burma and the region, including Bangladesh. Through USAID's Offices of U.S. Foreign Disaster Assistance (OFDA) and Food for Peace (FFP), the Agency provided nearly \$28 million, and we expect to continue responding to this crisis in FY 2018.

In Bangladesh, FFP provided \$7 million to WFP to provide life-saving food assistance to the refugees in Bangladesh. These resources also support the essential coordination and logistics efforts needed to manage the massive influx of people and scale up assistance, in concert with our State partners.

We are also working with our international partners to step up the humanitarian response where possible. We applaud the Government of Bangladesh's generosity in responding to this severe humanitarian crisis. USAID recognizes that host communities are stretching their own scarce resources to take in their neighbors, and we are committed to supporting them as well. USG funding in Bangladesh includes assistance for host communities who are bearing a large burden themselves to shelter and support the massive influx of people.

USAID's Mission in Burma is closely coordinating with other agencies in Burma and the regional international organizations, and other donors, to address the situation in Rakhine State. Together with our colleagues at the State Department, and along with the international community, we have reiterated our strong concerns to the Burmese Government, and have called on them to end violence, provide immediate, unhindered humanitarian access, and ensure the dignified, safe, and voluntary return of all those displaced from their homes.

Broader Burma

Decades of military rule and control of large portions of the economy, rampant corruption, and internal conflict have prevented the development of well-functioning democratic governance systems. As we see playing out in the current crisis, this has further entrenched historic ethnic divides, hurt Burma's economy, and severed social services.

USAID continues to support civil society in Rakhine State and across Burma to prevent further escalation of violence and counter hate speech and rumors. Peace networks, made up of diverse civil society organizations throughout Burma, have actively combated misinformation on the [violence in Rakhine State][situation in Rakhine State], as well as worked to prevent the narrative from spreading into a larger crisis targeting all Muslims, like was seen in 2012 and 2013. These efforts, along with our work with local government officials on conflict mitigation trainings, have been complemented by our partners working to develop online platforms that fact-check local reporting and online rumors.

In addition, ongoing inter-communal tension and violence outside of Rakhine State remain a serious threat to the political transition process in Burma. USAID assistance continues to support an inclusive peace process, including the implementation of the nation-wide and bilateral ceasefire agreements and enabling participation in formal and informal political dialogues from all stakeholders, particularly those from underrepresented groups such as women.

USAID also strengthens resilience among vulnerable communities in conflict-prone areas, including but not limited to Kachin and Shan States in the northeast and areas of central Burma, to address the drivers of communal level violence. Programs support local decision-making models centered on diverse community participation to ensure historically-marginalized and vulnerable populations have a voice in shaping their future and to mitigate the risk of marginalized groups resorting to violence and extremist ideologies. As we have seen with the most recent attacks on Rohingya, the hate speech towards and demonization of minority ethnic groups have been key drivers of the spread of violence in Rakhine, and targeting those factors can help stave off future violence.

The United States has stood by vulnerable communities in Burma for decades. This includes the provision of humanitarian assistance along the Thailand-Burma border, in the delta region of southern Burma and in central Burma. In the east along the Thailand-Burma border, USAID supports cross-border consortiums and local partners to respond to the humanitarian needs of nearly 400,000 Karen and Karenni IDPs and refugees. In Kachin and northern Shan States, where recent violence has led to further displacement, USAID is supporting nearly 100,000 IDPs in areas with limited humanitarian access, though the military continues to prevent humanitarian assistance from reaching areas that are administered by ethnic armed groups.

This recent human rights and humanitarian crisis, in many ways, highlights the ongoing and underlying challenges facing Burma. Addressing the root causes of violence is more important than ever. To that end, USAID works to strengthen democratic institutions, including the parliament, the judiciary and civil society; foster national reconciliation and peace; and improve the lives of the people of Burma by increasing access to better health services and creating economic opportunities. This support is critical to helping the civilian government of Burma sustain this transition, address the underlying causes of violence, and deliver on the dividends of democracy that the people of Burma expect.

Burma emerged from decades of isolation over the past ten years. The establishment of a formal USAID Burma Mission in 2012 allowed us to expand our development program to more effectively support those in Burma who seek greater freedom, prosperity and dignity. During this period of crisis, it remains in the U.S. Government's interest to support Burma's democratic transition. It represents the most significant opportunity in decades to engage with the people of Burma in pursuit of democracy, human rights, peace and prosperity, and ending the cycle of violence.

Conclusion

USAID will continue efforts to foster national peace and reconciliation, maintain momentum for democratic and economic reforms, and improve the lives of the people of Burma.

However, we must be honest and forthright in our assessment of the situation, and clear on what we expect as humanitarians, and as Americans. We know it's a tough road ahead. The military controls the power ministries, as well as sectors of the economy. Indeed, the latest violence in Rakhine reflects the power of the security forces and has exacerbated the existing human rights situation and humanitarian crisis, imperiling the lives of hundreds of thousands. In the long-term, our development efforts must continue to address the underlying drivers of the violence, some deeply rooted in history, and others an obvious outgrowth of decades of military rule. But in the immediate-term, until the violence and abuses abate, we shall remain resolute in our efforts to alleviate the immeasurable suffering of Rohingya and all affected communities within Burma and Bangladesh.

Thank you for the opportunity to testify before you today. I look forward to your questions.

The CHAIRMAN. Thank you all for your testimony.

And I will turn to Senator Cardin.

Senator CARDIN. I also thank you for your testimony.

If I could just get a yes or no answer on your personal views whether what is happening there is ethnic cleansing. I understand the administration is going through a process, but I would like to get your view whether you believe this is ethnic cleansing or not. Just yes or no would be helpful.

Mr. MURPHY. Thank you, Senator. If you will permit me just a slightly more elaborate answer.

Senator CARDIN. No.

Mr. MURPHY. My bosses have said it appears to be ethnic cleansing. I am of that view as well.

Senator CARDIN. I think clarity is important here. I am asking your view.

Mr. MURPHY. Unfortunately, I am not in a position to make the determination. You are correct that we are referring to a process to lead to that determination. In the meantime, we conclude that there have been atrocities, massive displacement, depopulation of villages that causes great concern. Therefore, we are pursuing all avenues for accountability. Hypothetically, a determination of ethnic cleansing will not change our pursuit of full accountability, sir.

Senator CARDIN. Could you answer yes or no, whether you believe it is ethnic cleansing?

Ambassador STORELLA. Senator, I have worked in humanitarian affairs off and on for 30 years, and I have witnessed over that time terrible things that have happened. In this case, we have seen so-called clearing operations that have resulted in the clearing of 603,000 people from their homes to a foreign country and probably 100,000 people from inside Burma to other displacement.

I am not in a position, like my colleague, to characterize it today. But I do want to say that to me this very closely resembles some of the worst kinds of atrocities that I have seen over the course of a long career.

Senator CARDIN. Would you try a yes or no? Maybe I can get one out of three.

Ms. SOMVONGSIRI. Unfortunately, the role of our organization is not to define legally what is happening.

Senator CARDIN. I asked your personal opinion.

Ms. SOMVONGSIRI. I am not in a position to offer my personal opinion.

Senator CARDIN. Look, I think this is one of the problems we have. Clarity is important. This is ethnic cleansing. It is pretty clear. And if we do not say it, it will happen again and again and again.

Now, I am for the efforts for stopping the violence, and I support all the international efforts for humanitarian assistance for those that are in Bangladesh and those who are displaced in Burma. I am for pursuing the peace process so people are not going to be further killed. Absolutely. It has got to be our top priority. But if we do not do something to end this cycle of violence with impunity, it is going to happen again. The next country will do it.

And, Mr. Murphy, I appreciate your view that you want to impose sanctions against the military or use Magnitsky, which is a bill that I am very proud about. But where are the generals being held accountable criminally for what they have done in murdering people, raping people, burning villages? Where is the accountability for those who are responsible for directing this?

Mr. MURPHY. Senator, I agree with you. Accountability is vitally important—

Senator CARDIN. What is the United States doing?

Mr. MURPHY. As I said in my statement, Senator, we have announced measures to pursue accountability, including the consultation with the very organizations that have those tools available to them, the United Nations, the U.N. Human Rights Council, among others.

We are taking measures ourselves, but we have to admit we have very limited influence and leverage. We do not have a normal relationship with its military. We have not for decades. In the process of lifting sanctions, we have isolated restrictions on the military that remain in place. We will take additional measures, as I have said, to restrict travel here, to explore measures how we can sanction individuals found to be accountable. And that is an important, I think, path forward for us to take.

Senator CARDIN. Who is in charge in Burma? Is it the civilian or military?

Mr. MURPHY. It is an excellent question, and the answer, of course, like Burma itself, is very complicated. This is a power sharing arrangement. The civilian elected government for the first time—

Senator CARDIN. Who is responsible for the atrocities that are taking place now? Is it the civilian fault or the military? Who is primarily responsible?

Mr. MURPHY. There are many contributors to violence and human rights abuses. The security forces hold the greatest responsibility for protecting civilians, and they have failed. However, we must point out there is vigilante action, civilians conducting violence against other civilians. The Rohingya militants that—

Senator CARDIN. Encouraged by the military?

Mr. MURPHY. In some cases, they are acting in concert with security forces, yes; in other cases, independently.

Senator CARDIN. So did we make a mistake in relaxing the sanctions because Burma was moving away from a military government?

Mr. MURPHY. Senator, I think the decision to lift the national emergency was a reflection that sanctions had run their course in attempting to achieve a transition—

Senator CARDIN. But you are talking about imposing new sanctions.

Mr. MURPHY. We are talking about targeted—targeted—measures to hold individuals—

Senator CARDIN. Is the military—you consider that targeted. That is an institution of its government. I would agree with you if you are talking about holding people criminally responsible for their criminal activities. I do not see that coming.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Thank you very much.

Senator Young?

Senator YOUNG. Well, thank you, Mr. Chairman.

And thank you to our panelists for your attendance here today.

I agree with the ranking member. We need to speak with moral clarity on this matter. The United States clearly needs to lead. Ambassador Haley—I was really proud of her. She assessed that the Burmese Government is conducting a, “brutal, sustained campaign to cleanse the country—cleanse the country of an ethnic minority.”

The U.N. High Commissioner for Human Rights has referred to the situation in Burma as a textbook example of ethnic cleansing.

I understand your positions and we are in the course of an assessment internally, but I hope our government speaks with moral clarity on this matter.

We often refer to the international community, and the international community—some have characterized this as kind of an oxymoron phrase. And right now, if the U.S. does not lead, I do not think the international community is going to end up in a position where they are not only condemning this sort of behavior but acting boldly to address the needs of the affected populations. There are nihilistic nations out there. There are relativistic nations. There are those who will passively stand by and watch these sorts of actions continue unless the United States leads on these and other matters.

So thank you to my colleague, Senator Merkley. He worked with me on a letter that we sent off to Ambassador Haley regarding this very issue of ethnic cleansing in Rohingya some days ago. 21 of my colleagues signed on to it, including the ranking member. Have each of you reviewed that letter? Okay, thank you. I saw an affirmative nod there from each.

We called on the Burmese Government to permit the safe access to journalists, to U.N. fact-finders, and to humanitarians. And Secretaries Murphy and Storella, I noted that in your testimony, you indicated the number one humanitarian priority is to gain access by the humanitarians to those in need in the Rakhine State.

Ms. Somvongsiri, you called the lack of access the main challenge, and you say that due to restrictions imposed by the Burmese authorities, that access is not happening. Why is the lack of access

to affected populations the main challenge? And what is the precise role of the Burmese in hindering that access?

Ms. SOMVONGSIRI. Senator, thank you for your question and for the letter from you and so many of the other members highlighting that issue of access for journalists and humanitarians. It is absolutely essential and thank you for including that in your letter, which was very constructive overall.

The reason it is the main challenge is because right now—let me divide it up. There is northern Rakhine State and central Rakhine State.

Right now in northern Rakhine State, which is the area that is most deeply affected, the only international NGO that has access is the Red Cross Movement, and they have very limited abilities. They have said so themselves, that they cannot provide fully the range of support that is needed. Our partners, the U.N. agencies, stand by and are ready to provide that support to the affected populations but cannot do so.

In central Rakhine State, there is more ability to provide access and help, but it is also severely limited. We recently have been able to restore some of that humanitarian service, but it is still operating at only about 50 percent.

Your question about the role of the Burmese Government in it specifically, it is that the Burmese Government authorities are the ones who provide the permits that are necessary to access these areas, and they have not given them.

Another complicating factor is even when there are travel permits, there are excessive layers of bureaucratization, planning, work plans, and high levels of ethnic tension in those areas that make it very difficult to deliver the aid.

And if I could just add one more thing on the importance of access not just from the humanitarian side, but from journalists and media. This gets exactly to Senator Cardin's point on accountability. Unless we are able to access these areas and actually see and document what is happening, that makes accountability in the future very difficult. So that is why we as a humanitarian organization continue to call for and appreciate your support.

Senator YOUNG. I have got 30 seconds left. I do want to commend the administration. I mean, the administration has generally spoken forcefully about the need for humanitarians to gain access, and on the diplomatic front, I feel like thus far they have been pretty strong. Secretaries Murphy and Storella, you did indicate in your prepared statement that the Burmese Government's commitment to provide humanitarian access was encouraging. To me, I am not particularly encouraged. Neither gestures nor statements nor some futile actions at this point are enough. We need bold action. I hope each of you will communicate that to your Burmese counterparts every time you are interacting with them. I will be visiting with a representative from the Burmese Government tomorrow. I will certainly be delivering that strong message. And thanks again for your service.

The CHAIRMAN. Thank you.

Senator Merkley?

Senator MERKLEY. Thank you, Mr. Chairman, and thank you for holding this hearing because I think it is so important that we put

a very bright spotlight on this horrendous situation. And I will be happy to use the term that our representatives from the executive branch are not willing to use. This is ethnic cleansing. 288 Rohingya villages destroyed and not one word from our President. Thousands of children slaughtered. Not one word from President Trump. Thousands of women raped. Thousands of men and women shot as they fled villages. Villages surrounded and starved, 600,000 refugees, and not one word from our President during this horrific situation.

Are you recommending to the President he speak loudly and forcefully on this issue? If each of you could tell me yes or no.

Mr. MURPHY. Senator, as I noted, the President has spoken with a number of leaders about the situation——

Senator MERKLEY. Excuse me. The President has not made a public statement. Are you recommending that he take a forceful public statement to shine the international spotlight on this issue?

Mr. MURPHY. I believe the administration has spoken with clarity and moral clarity.

Senator MERKLEY. Thank you. You are not saying yes or no. So I assume the answer is no.

Are you, sir, recommending to the President that he speak and take a public position on this?

Ambassador STORELLA. Senator Merkley, thank you very much for the question.

We are recommending that we speak forcefully and directly about the kinds of atrocities——

Senator MERKLEY. Thank you. Can we expect such a statement from the President in the next week?

Ambassador STORELLA. I am not in a position myself——

Senator MERKLEY. I appreciate you pressing for that.

Ms. SOMVONGSIRI. Yes, likewise. Obviously, as an agency, we defer to our State Department colleagues' lead on this. But, yes, as an agency we do continue to call on all parties to speak forcefully to do what we can to end the violence, gain humanitarian access, and to hold people accountable.

Senator MERKLEY. You cannot really call on all parties to speak forcefully if our own President is not speaking forcefully.

I have here a mission report of the United Nations Human Rights Office of High Commissioner, September 13th through 24th. If I can enter that into the record.

The CHAIRMAN. Without objection.

[The information referred to is located at the end of the hearing transcript.]

Senator MERKLEY. I would like to quote a piece of this, and they use the term "Myanmar," so Myanmar or Burma. "Myanmar security forces purposely destroyed the property of Rohingyas, scorched their dwellings and entire villages not only to drive the population out in droves but also to prevent the fleeing Rohingya victims from returning to their homes. The destruction by the Tatmadaw—that is the Burma military—"of houses, fields, foodstocks, crops, livestock, and even trees render the possibility of Rohingya to returning to normal lives in the future almost impossible. It also indicates an effort to effectively erase all signs of memorable land-

marks and geography of the villages and memory in such a way that return to their lands would yield nothing but desolate and unrecognizable terrain. Information received indicates that the Myanmar security forces targeted teachers and cultural and religious leadership and other people of influence in an effort to diminish Rohingya history, culture, and knowledge.”

Does that sound like ethnic cleansing to you? Don't everyone rush to answer.

Ambassador STORELLA. Senator, first, let me say that through the support of the United States Congress, the United States Government is the strongest supporter of the UNHCR not only financially but also through our diplomatic engagement around the world. We support what the High Commissioner is doing very strongly. We believe that what he has described are in fact an accurate description of the atrocities that have taken place.

Senator MERKLEY. Thank you. I appreciate that. And I am very glad to hear that because I believe that if you carry that message to the highest levels of the Department that you believe that this is an accurate description, that we will see forceful representation of America responding to this.

I recall our Secretary of State talking to me when he was being considered for nomination, and he said he was going to provide moral leadership guidance. And yet here we have this horrific instance and we have virtually no voice, no pressure, very polite words about supporting the evolving democracy in Burma, almost things that sound like, well, we think they are doing a good job trying to address this. They are not doing a good job. The military—and none of you testified that the military is behind this. This is an act not by random forces. This is an act by the Government of Burma, and we need to respond with enormous moral clarity and force on this issue. And I hope you will make that happen.

The CHAIRMAN. Thank you very much.

Senator Gardner?

Senator GARDNER. Thank you, Mr. Chairman.

Thank you to the witnesses for being here today at this very important hearing. I think all of us recognize the crisis in Rakhine State as nothing short of a humanitarian catastrophe, and the United States must be resolute in stopping this violence, condemning this violence, assisting the refugees, and seeking accountability for the many crimes that are being committed.

I reiterated that very message personally yesterday in my meeting with Burma's Ambassador to the United States and will continue to do so.

I am deeply saddened and outraged at the events of the last several months. We all are and we all have to be. I visited Burma in May of 2016, had a long, productive conversation then with Aung San Suu Kyi, here in the United States as well. Military leaders I met with, including the commander in chief, expressed our condemnation in the strongest terms possible which has unfolded there for decades. The recent tragic events threaten to upend the hopeful trajectory of democratization that we have talked about here today and reform in Burma that I witnessed firsthand during that visit. And while we must address the crisis in Rakhine State, we must also look to the broader questions of whether U.S. policy

toward Burma has succeeded to date in paving the path to peace, stability, and democracy in that country. And I know that is what this committee hearing is about today, and I thank the witnesses for participating in it.

But I am struck by several of the answers that we have received to some of the questions that have been asked.

I guess I want to start following up on something that Senator Cardin said, Secretary Murphy. Last year, last Congress, the decision was made to lift the sanctions against Burma. Will that be reversed? Was it a mistake?

Mr. MURPHY. Senator, I appreciate your longstanding interest in Burma, and I think that your visit there does equip you to understand many of the challenges this country faces.

I want to take the opportunity to speak with moral clarity. There have been some questions about where the administration is. We have stated in our testimony today we have witnessed terrible crimes. There is increasing evidence that security forces are associated with vigilante action. These individuals will be held accountable. We will pursue accountability with all of the tools available to us.

I have also stated that the military security forces have reacted in a disproportionate manner and bear the greatest responsibility for protecting local populations and have failed to do so.

Our sanctions program was designed to see the expression of the will of the Burmese people. We saw a successful election. An elected government, just 16 months ago, began very significant efforts to address elusive national peace, end conflicts around the country, and indeed, try and address the plight of the Rohingya people. That does not absolve this government of criticism for its shortcomings. We are looking for all stakeholders to take actions.

We also have to realize what this government is up against. I do not take their position. I do not defend their position, but the elected government does not have full authority over the military. In Rakhine State, ethnic Rakhine leaders are opposed to humanitarian assistance. They are opposed to citizenship for the Rohingya. They hold incredible sway over the political space there. The entire country has prejudice and racism directed at the Rohingya. Any government is going to have difficulties in overcoming those obstacles.

So we have to support those in government who see a better path forward. And indeed, the Rakhine Advisory Commission is a perfect example. This government invited the formation of the commission, and it has adopted and accepted the recommendations. We want to support those because they provide the best path forward for the Rohingya people.

Broad sanctions. Those are under discussion, but I have to allow broad sanctions could very well make those vulnerable populations that still remain more vulnerable, susceptible to the same violence and criminal activity that is taking place thus far. We have to be very careful with our approach so that we can achieve the objectives that we are talking about today: better protection for these populations, safe return, accountability for those who have committed atrocities.

Senator GARDNER. I expressed my concern to this committee over and over last Congress. I even put a hold on Ambassador Marciel over my objection that we lifted the national emergency order provisions at the State Department that were put in place. And I just do not understand. I still do not understand to this day how we think somehow we are better off having done that and the actions that we have seen in Burma—how the Rohingya are better off as a result of that. It seems like we gave a carrot without any return to behavior that would improve the plight of the human catastrophe that is unfolding there.

China, obviously a border state, very important economically. What is China's role? What have they done as we have seen this unfold?

Mr. MURPHY. Senator, I think first on sanctions, we are talking about targeted measures to try and achieve behavior change and protect civilians. We have to recognize, in terms of broad sanctions, the United States was the last country standing with significant restrictions. It was hurting our interests. It was hurting the ability of this elected government to have a good start in addressing the problems that had been ignored by 50 years of military, authoritarian, repressive rule. It does not mean Burma had reached perfection. We knew this would be bumpy. We knew there would be many challenges. We have to look at the tools available to us to encourage behavior change and proper actions.

Proper actions are required by all in the international community, including China. We would hope as a member of the Security Council, China could join us in recognizing the military's disproportionate response has exacerbated these problems. And China needs to work with others on the Security Council to understand that the instability that is being created could affect the neighborhood, including China's own interests.

Senator GARDNER. Has China publicly condemned the actions of the military in Burma?

Mr. MURPHY. I do not think we have seen very encouraging signs from China with regard to the Burmese military. We are looking for a better posture on their part.

The CHAIRMAN. Thank you. Thank you very much.

Senator Shaheen?

Senator SHAHEEN. Well, thank you all very much for being here and for your ongoing work.

I share the frustration that you are hearing among my colleagues on this committee about our inability to better affect the outcome of what is happening in Burma.

I understand that there have been allegations of sexual violence, of rape, of other actions specifically targeting Rohingya women by members of the Burmese security forces. Can you tell me, any one of you, if we have raised those specific concerns of gender-based violence with the Burmese military and the government?

Mr. MURPHY. Yes, Senator. We share your concerns. The reports primarily coming from refugees, very credible NGOs would suggest a wide range of abuses and atrocities, including sexual violence, violence against women and children. These are particularly vulnerable populations within a larger vulnerable population of the Rohingya.

We have expressed this concern with all the leaders and stakeholders. And I want to emphasize, Senator, this is not a monolithic government that has full authority.

Senator SHAHEEN. No. I understand that.

Mr. MURPHY. So yes, directly with Aung San Suu Kyi. We have had conversations through our Ambassador to Burma, Scot Marciel, with the Commander-in-Chief of the armed forces, Min Aung Hlaing. We have expressed our concerns with other stakeholders, including local populations, local leaders in Rakhine State. And we have pointed out that these kind of abuses, this kind of displacement threatens the transition to democracy, creates a much bigger risk for the attraction of international terrorism, and could set Burma back. So it is in the country's interest not only to protect local populations but to pave a path forward that is in the betterment of all 55 million people.

Senator SHAHEEN. Well, I appreciate that. Unless you have a different response, Ambassador Storella, I am going to move on.

Ambassador STORELLA. Senator Shaheen, I would just like to say that our Ambassador, Marcia Bernicat, in Bangladesh herself went and visited with victims of gender-based violence so that she herself could hear their testimony. Through the support of this Congress, we are providing assistance to thousands of people who have been victims of that violence. Thank you.

Senator SHAHEEN. Well, thank you. I do appreciate that. And this week, Senator Isakson and I are going to reintroduce the International Violence Against Women Act, and I think it speaks to the importance of that legislation as we look at how to address these crimes that are happening not just—unfortunately are happening not just here with the Rohingya but in other places around the world.

I understand that there are an estimated 69,000 pregnant Rohingya refugee women in Bangladesh. I am not sure if that number is correct, but that the main assistance that they are getting is from the UNFPA. And I certainly support that. I support the efforts that UNFPA makes around the world to help pregnant women and vulnerable women who are in need of pre- and post-natal care.

I guess, Ambassador Storella, can you tell me if the administration supports UNFPA's efforts here and how we do that?

Ambassador STORELLA. Senator Shaheen, the United States does support efforts for women who are particularly vulnerable. We are working with a number of different agencies to ensure that there are things like gender-appropriate latrines that are available.

Senator SHAHEEN. But we are not supporting the efforts of UNFPA. Is that correct?

Ambassador STORELLA. The United States is limiting its support for UNFPA at this time. Thank you.

Senator SHAHEEN. That is unfortunate given the number of women in vulnerable positions who really need that help.

I do not know if any of you can answer this question, but I do know that I have heard from people in New Hampshire and other places who have expressed concern about why Aung San Suu Kyi has not spoken out more forcefully on this circumstance. Mr. Murphy, I guess this is for you. What is your assessment of the situa-

tion there? Why do you think she has not spoken out more forcefully, and what do you think would happen to that power sharing arrangement if she did?

Mr. MURPHY. Senator, my parents are residents of New Hampshire and asked me the same question. I cannot speak for Aung San Suu Kyi.

What I do know is that in Burma one of the fundamental problems we are facing in Rakhine State is widespread prejudice and racism directed specifically at the Rohingya. There are also many populations that have suffered for decades from discrimination, other ethnic minorities, including inside Rakhine State the ethnic Rakhine who, as I said earlier, dominate the political space, have suffered from centrally directed discrimination. It is a very complicated environment.

We would like to see more champions, more vocal voices for the Rohingya and other repressed populations. And we know it is a very complicated environment. Speaking out on behalf of the Rohingya is a dangerous proposition right now in Burma. It must be acknowledged. I do not think that can withhold us from criticizing, from urging broader human dignity and respect for each other. Our particular message is not just to the government, also to the armed forces, local ethnic leaders, but also the broad members of the Burmese nation. Reflect on your own suffering, your own voyage to overcome authoritarian rule and think about your fellow human beings.

The terrible treatment of the Rohingya is a real Achilles heel for this country and its transition. We need a broad public campaign of education for all Burmese to understand they are in this together. Rohingya are part of the fabric. They need to find a way forward for citizenship, for basic human rights. And that is a broad message. And we are looking not just for a singular champion but for all Burmese to understand that human dignity is a real important aspect to this crisis.

Senator SHAHEEN. I think that is very well said. So what kind of a message do you think it sends to people—could I just ask one more question?

The CHAIRMAN. As long as you do not ask him to answer it.

Senator SHAHEEN. That is fine. It is a rhetorical statement. What kind of a message does it send to the Burmese leadership, military, and civilian when in the United States of America, we have a travel ban on Muslim majority countries' members coming into this country?

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Thank you very much.

Senator Risch?

Senator RISCH. Well, thank you, Mr. Chairman.

I want to thank all three of you for your service. I think what you are seeing here today is some considerable frustration and outrage amongst members of this committee. And there is no difference in our feeling, all of the committee, in that regard. I mean, we all share this frustration. We all share this outrage.

I want to thank you for your leadership on this issue and for speaking with the moral clarity that you have spoken with here today. I appreciate that you do not communicate directly with the

President and cannot pound on his desk and tell him what he should say or should not. Some people have tried that and not very successfully I have noticed. But as the State Department, certainly you speak with the full force and effect of the United States foreign policy behind you, and for that, we appreciate that.

Our job, of course, in this committee is to help craft foreign policy, and that will be done, I am sure, as we move forward through resolutions or statutes that address this problem. I think today you have been very clear in assessing how difficult this is to do.

And one of the things that I find that shows the difficult nature of this—and these are my words, not yours—but it seems like you are facing an entire population, a country, that possesses a prejudice that is not appropriate, obviously, and it is manifesting itself in some very bad things. Now, I do not know how you address that. Certainly sanctions are one way to do that. But prejudice is not easily overcome. And frankly, I do not know that sanctions are something that are going to convince people that they should be thinking differently than what they are.

But in any event, I would like to hear each of you address briefly, if you would, this issue that we are dealing with not an individual, which we frequently are in some countries, not even just the military as we are in some countries, but really the civilian government plus the population of the country that is really turning a blind eye towards this. Do you have suggestions for change in that conduct? Mr. Murphy, let us start with you and work our way down.

Mr. MURPHY. Senator, I very much appreciate your perspectives. And this current crisis is appalling. It is sad. It is outrageous. I want to share with you my frustration does not begin with crisis. It began 20 years ago when I first visited northern Rakhine State and have worked on and off over the course of my career on the particular challenge of the repressed Rohingya population. It has been a longstanding problem. Unfortunately, of course, frustration does not translate to action. We need to take measures to try and achieve behavior change and a path forward.

We have identified something new in the current elected government environment, and that is a willingness to try and tackle the underlying challenges in Rakhine State, a path to citizenship, development for all of the underdeveloped populations that reside there. I want to revisit that Rakhine Advisory Commission. It is no small measure that this commission was formed under the leadership of the former U.N. Secretary-General and came up with 88 very specific recommendations. The new government has embraced them. We now need to see implementation. We need other stakeholders to support those recommendations, including the armed forces, local leaders in Rakhine State. Those paths forward include cooperation and coordination with Bangladesh, development, access to basic government services that have been lacking, most importantly, a path to citizenship so this disenfranchised population has a means to participate and gain from the benefits that other citizens enjoy.

It is not going to be easy. These recommendations are both short-term and long-term. But we have a government that is willing to do something where previous military regimes simply repressed

and ignored. That does not mean this government has taken all the right steps. We are calling on the government to do all that it can to end the violence, stop the hate speech, pave a path forward for repatriated refugees, and find a way towards national peace.

This government has also convened something called the Panglong Conference, which has been unprecedented since the 1940s bringing together all representatives throughout the country to pave a path forward in ending conflict. As we talk about conflict today in Rakhine State, there is ongoing conflict in the north in Kachin and Shan States. Burma has been at war with itself non-stop for over 70 years, and this government is trying to achieve some peace. We need to work with those stakeholders who see a better way.

At the same time, we have talked about targeted sanctions and measures for those who are not with the program. We have to have a measured, balanced approach I think, Senator.

Senator RISCH. Thank you very much. My time is up. I apologize. I really wanted to hear both of your perspectives also.

I would just say thank you again for your service. I know how disheartening this is as we listen to these facts. Do not give up. Represent as you have and continue with development of policy that we will do the best we can to do something about this.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator Kaine?

Senator Kaine. Thank you, Mr. Chair.

And thank you to the witnesses. This is an important hearing.

And I missed a little bit of your opening statements, and I apologize. But I have just picked up on some rhetoric and language that I want to come back to you on.

I know the State Department is underway with an analysis to determine whether what is happening in Burma's ethnic cleansing—just for the record, French President Macron at the end of September said that what was happening to the Rohingya constituted genocide and we must condemn ethnic purification which is underway and act. And Turkish President Erdogan has also labeled it genocide. I would urge with dispatch us determining what we think it is and labeling it.

I think it was Mr. Murphy—I heard you use the word there is vigilante action. When I think of vigilante action, I think of sort of rogue individuals not connected with the government doing things. But this is clearly action that is not just vigilantes, is not just an expression of sort of endemic prejudice. But there are official actors involved, including the military, in ways that I think are not deniable. That is not the same as vigilante action to my understanding of the term.

You also condemned the military's disproportionate response. And I think that is a disproportionate response to the attack on the Burmese military. But I do not really view the role of the Burmese military, at least in the accounts I have read, as just being a responder. I mean, I think that they have been a participant and often an initiator of many of the attacks on the Rohingya. And so I think if we want to be careful about language like "ethnic cleansing" and "genocide"—and we ought to be careful about it—I think

we also need to be careful about phrases like the military is a responder or there is vigilante action because I think all the evidence would suggest it has much more of an official sanction and imprimatur than that. And I guess that is the basis of the work underway in the State Department to determine exactly how to label it.

I want to ask questions about Bangladesh. I am the ranking member with Senator Risch on the subcommittee over the region of the world that includes Bangladesh at its eastern edge.

These refugees are largely going to Bangladesh, which has its own set of challenges. Could you tell the committee how the flow of refugees into Bangladesh is affecting that country? Are there things that we can do to help Bangladesh deal with these refugees?

Ambassador STORELLA. Senator Kaine, the crush of refugees entering Bangladesh is unmanageable for almost any country. For a country that is strapped for resources, facing limited kinds of infrastructure, and also facing difficult weather, it is nearly impossible. I think that Bangladesh has done an extremely admirable job, first by opening its borders, then by working with the international community to permit opportunities for assistance to reach the people who are there.

One of the most important things that Bangladesh has done is to work with the UNHCR to undertake a registration of those arriving. I spoke with the DCM from the embassy in Bangladesh yesterday. He told me 260,000 refugees have been registered. 13,000 are being registered per day.

Senator KAINE. And there are about 600,000 that have fled by the most recent accounts?

Ambassador STORELLA. 603,000 was the last count.

These registrations are important because they provide protection themselves and also provide the basis for subsequent repatriation when conditions permit.

I think that Bangladesh has demonstrated a great deal of patience in working with the Burmese authorities. There was a meeting today in which the home affairs minister of Bangladesh is working with the Burmese to try to pave the way for eventual returns.

Senator KAINE. On the order of magnitude, is that 603,000—I have heard that as estimated. That is about half of the total Rohingya population of Burma, if what I have heard is correct. Is that accurate?

Ambassador STORELLA. We do not know the exact population because there has not been a census. However, we believe that the 600,000 plus the number who are already in Bangladesh, which brings the total to about a million, is more than half of the Rohingya population.

Senator KAINE. From the USAID perspective, could you offer, Ms. Somvongsiri, your perspective from USAID?

Ms. SOMVONGSIRI. Thank you. Yes. So USAID worked closely with POM, which has the lead for the refugee crisis in Bangladesh and I agree with Ambassador Storella's assessment in terms of the Bangladesh Government's generosity in already an impoverished country with a lot of challenges of its own, and their ability to take in this massive, massive influx.

Our program there through Food for Peace is supplementing efforts in terms of providing much needed food assistance, nutrition, and to give you a sense of the challenges, to be able to deliver the food assistance, some of the work is going towards coordination and building logistics like roads to actually have delivery into this very confined area as appropriate.

One other thing I will mention in this short time is we do have a robust development assistance program in Bangladesh. We are looking at how to reshape that to help affected communities that are broadly in that area.

Senator KAINE. Mr. Chair, I am not going to ask another question, but I will probably do questions for the record to flesh out the extent of activities we are doing to help Bangladesh and other things that we might do.

I appreciate your answers.

Thank you, Mr. Chair.

The CHAIRMAN. Thanks for being here.

Senator Coons?

Senator COONS. Thank you, Mr. Chairman and Ranking Member, for holding this important hearing and to our witnesses for focusing us today on the appalling treatment of Burma's Muslim and ethnic minority, the Rohingya. I am grateful to all the members of this committee on both sides who have taken concrete steps to address this crisis.

In July, Senator Tillis and I as the co-chairs of the Human Rights Caucus held a briefing about the displacement of the Rohingya at that point relatively early in this crisis. As has just been discussed today, there are more than 600,000 who fled Burma because of the military's brutality.

And there has been a great deal of debate about whether Burma State Counsellor Aung San Suu Kyi, by her silence, is contributing to this violence. On September 17th, one of her fellow Nobel Laureates, Archbishop Desmond Tutu, wrote a moving letter in which he said, "if the political price of your ascension to the highest office in Myanmar is your silence, the price is surely too steep. A country that fails to acknowledge and protect the dignity and worth of all its people is not a free country. It is incongruous for a symbol of righteousness to lead such a country."

I agree with Archbishop Tutu, and I hope the United States will continue to speak out, to stand up for human rights, and to call for policies and actions that empower and protect the Rohingya.

So, Ambassador, if I might, first to you, you just answered questions from Senator Kaine about what is happening on the ground in Bangladesh. I would be interested in whether you foresee the Rohingya being able to return to Burma and what steps you are taking to urge the Burmese Government to recognize and protect them upon their return, whether they will get documentation of citizenship or residency, and what you believe the long-term plan is both in Bangladesh and in Burma for their safe treatment and care while refugees and their return to their nation of origin, Burma.

Ambassador STORELLA. Senator Coons, thank you very much for focusing on what is absolutely a critical question, the possibility of maintaining the path open to returns.

I think the very first thing is we must, under all circumstances, insist that returns must be the goal and that they must be voluntary and that the Government of Burma must provide for the security of returning refugees.

We have seen some elements of progress despite an otherwise dismal scenario. Initially, as you know, the Government of Burma had said that they would not permit any funds to go to any kind of assistance organization whatsoever. They denied many of the things that everyone knew was going on. We insisted that those funds would not go to the government, that they would go to humanitarian organizations by the Red Cross. That has now been permitted. The Red Cross now has limited access, which is very important because it also shines a light on what is going on there.

Over time, we have seen that the statements of State Counsellor Aung San Suu Kyi have evolved. In her statement of October 12th, she outlined that the goals were repatriation, resettlement, and development. That is in the right direction. We need to keep pushing on that.

As I already mentioned in response to the question by Senator Kaine, we as an international community have to continue supporting Bangladesh to make it possible for those returns to take place. I have worked on returns in other countries, including 360,000 Cambodians who returned to Cambodia. This is going to require a lot of work at a political level to make it possible. But it also requires working with the key institutions that will be able to monitor and set the conditions to ensure that those returns actually can be voluntary, safe, and dignified.

So there is a path and I think we have to just keep pushing down that path and not give up. Thank you.

Senator COONS. Thank you.

I am interested also in hearing, as I might, from Ms. Somvongsiri about the role religion has played in this crisis and what contribution USAID's conflict mitigation efforts might make to keep religious tensions from further exacerbating this conflict. I think Senator Shaheen asked a relevant question, what impact it has on the world response and how our response is seen at a time when there is repeat litigation in our courts and repeat assertion by our President that we need to have a ban on those who might come to our country from majority Muslim countries.

Ms. SOMVONGSIRI. Thank you, Senator Coons, for that important question.

Part of our work in not only northern Rakhine State but throughout Burma, throughout the peace process is focused specifically on this issue of building tolerance—ethnic and religious tolerance—and promoting that. This ties into part of Senator Risch's question as well. We do that by building dialogue with local civil society groups. We have found nascent civil society groups who are more moderate in their views but do not have the space to speak out in terms of religious tolerance, in terms of cross-community efforts. And our role is to create space for that, to strengthen those civil organizations and link them up together. Many moderates do not feel safe doing that right now, so I think that is a critical issue.

I realize I am out of time here, but we are happy to provide more information to you on that and exactly what our programs are doing to support that.

Senator COONS. Thank you.

Thank you, Mr. Chair.

The CHAIRMAN. Senator Markey?

Senator MARKEY. Thank you, Mr. Chairman, very much.

This is a very important hearing. It is an absolute crisis that has broken out, and many in the Rohingya community who have arrived in Bangladesh following these clearance operations claim that Tatmadaw soldiers entered into their villages and killed civilians, raped women and girls, and then burned down the entire village. International medical teams treating the Rohingya in these camps report that some people bear gunshot wounds consistent with being shot from behind, and some women and girls have injuries consistent with sexual assault.

It is clear the military bears responsibility for these crimes even if perpetrators at lower levels are unknown. Burma's commander in chief, Senior General Min, is responsible for these systematic crimes.

Why has the administration been reluctant to add General Min to the specially designated nationals and blocked persons list?

Mr. MURPHY. Thank you, Senator Markey.

We share your concern about the abuses and atrocities. There is no reason to discount the credible reporting that such abuses have taken place. And it is for that reason we have announced measures at the State Department on behalf of the administration to pursue accountability. And accountability will apply to all individuals and entities responsible for perpetuating that violence and these abuses. And that applies to the armed forces predominantly.

But in answer to a previous question or comment from Senator Kaine, there are other actors. There are the Rohingya militants who conducted attacks on August 25th and subsequently have attacked fellow citizens. There are local civilians who have taken actions into their own hands sometimes in concert with the security forces, sometimes, as when I was in Rakhine State a few weeks ago, in their own hands. That particular circumstance involved attacking a Red Cross shipment, and indeed, security forces helped thwart that attack. That was a welcome sign. But there are vigilantes who are part of the equation.

All of the military leadership is subject to our restrictions for travel to the United States, subject to our restrictions for any assistance. That applies to Senior General Min Aung Hlaing as well. The armed forces have responded disproportionately.

Senator MARKEY. Have you yet imposed a travel ban on General Min being able to visit the United States? Have you imposed that yet?

Mr. MURPHY. Senator, there is an existing travel ban on Min Aung Hlaing as a result of his rank and his position.

That remains in force, and we will, under no circumstances right now, pursue any waiver for his ability to travel to the United States or gain from assistance from the United States.

Senator MARKEY. So what other steps then would you recommend that we take, given in the very near past we were, as a government, talking about enhanced military cooperation with Burma? So that was a signal that was being sent to these people that obviously would have given them some assurance that they would not have to be concerned about any of their actions. So how has that been communicated to them? That is, how has the fact that my amendment, working with other members, was successful in having that language struck from the legislation as it was moving through a couple of months ago—what was the interpretation that they made of that action legislatively?

Mr. MURPHY. Senator, the reality is that our military-to-military relationship with Burma is not normal and has not been for many, many decades. There are many existing restrictions.

What we have communicated to the military in relation to the current crisis is that their path to normalization is obstructed by their failure to protect local populations. There is a conundrum here. We have to acknowledge it. We hear this even from government figures inside Burma. The armed forces has been isolated for the better part of half a century and not exposed to international standards, norms, and regulations. There is an argument that they need more exposure to understand how to behave properly, how to be a professional military forces focused on national defense and not abusing its own people.

Unfortunately, that is going to be for another day. Under the current circumstances, we are not exploring engagement or enhancing assistance or contact with the military or facilitating any travel. That is a clear message that they have failed to protect local populations and have contributed to violence.

Senator MARKEY. And you agree with that message.

Mr. MURPHY. Absolutely. I have delivered that message directly to military figures.

Senator MARKEY. And their response is?

Mr. MURPHY. Look, I think part of the problem here is a failure in Burma among many stakeholders to recognize what has taken place—massive displacement, failure to protect citizens and residents of the country. That is part of our messaging. They need to see exactly what they have done and what the results and repercussions are.

I think the message that may resonate the most is that their actions create a greater risk for international terrorism. They think they have a terrorism problem now by virtue of the kind of attacks that took place on August 25th and last year in 2016, which also created population displacement. Our message is that is not a real international terrorism problem.

The kind of problem that could visit Burmese territory is a real significant challenge they will not be equipped to handle, and they are exacerbating that potential risk with these actions.

Senator MARKEY. But it reminds me very much of El Salvador in the 1980s where we were giving money to the government and the government had these generals who were actually the leaders of the death squads. And even as we were helping them, they were still indifferent to our views about how that money should be used. So I think this is a big issue that we are going to have to really press harder on in terms of their military and how they are using the resources they have.

Thank you, Mr. Chairman.

The CHAIRMAN. We very much appreciate your testimony. I have a question, and I know we have some closing comments here. I want to thank everybody for participating. And, Senator Merkley, thank you for the trip you are getting ready to take to the area.

Obviously, this is all very, if you will, damning to the leadership of Burma. Each of you have stated that clearly, and the questions that have been asked have all been in that direction.

If Ms. Suu Kyi were here, what would she be saying in defense of what has been happening in her own country?

Mr. MURPHY. Senator, I think it is a fair question, but honestly I cannot speak for Aung San Suu Kyi. I can relate to you in our conversations with her—Secretary Tillerson has spoken with her as well—we have tried to impress upon her the need to take key actions. I think we have also recognized that it is a complicated environment. By describing the complexities, that does not absolve the government of its responsibility. There are measures the government has taken which I think she would point to that we frankly need to support. That is hard to describe in this environment when there is such a crisis underway that behind the scenes there actually is a government that is elected representing the people and is taking unprecedented actions, a clear departure from authoritarian military rule.

We do not want to behave now in a way that reverts Burma back to military rule. That would not be in the interests of the Rohingya population and other vulnerable populations. It would not be in the U.S. interests. What we do need to do is encourage the kind of actions they are taking now to make a better path for the Rohingya. But we need other stakeholders in the country to support those actions, primarily the armed forces. And also, I hasten to again point out inside Rakhine State, ethnic Rakhine leaders need to lower the hate speech, realize they need to share this space together. They all need to benefit from better treatment and benefit from development and international assistance, which has been the course of action to date. All international organizations are providing assistance to all vulnerable populations, primarily the Rohingya, ethnic Rakhine, and half a dozen other ethnic minorities in that very complicated space.

I think, Senator, fundamentally the bottom line is we want to help Burma succeed. This is an enormous crisis that threatens the transition, could revert Burma backwards in the wrong direction. And it is a challenge. We need to see better leadership. We need all stakeholders to contribute to that process.

The CHAIRMAN. Thank you.

Senator Cardin?

Senator CARDIN. I just really wanted to thank the witnesses for their efforts here and for what they are doing in representing our country. I do want to make a couple comments.

The government has a responsibility. I understand it is the responsibility of all parties, but when you assume the government responsibility, you have to show leadership, and we have not seen that from the Burmese Government.

Number two, in regards to return, Ambassador Storella, let me just make this comment. If your village has been burnt down, it is going to be difficult to see where you are returning to. And if you are going to return to a situation where you are going to be in a detention camp, that may not be an acceptable safety issue and permanency as to how long that lasts. So I would just urge us to be very careful. Yes, we want the people to be able to return to their communities, but we have to realize it is not only the ethnic problems, we also have physical problems and safety problems on their return.

And lastly, Secretary Murphy, I just want to emphasize—I have heard this argument many, many times about we do not want to impose sanctions that could hurt the people we are trying to help. That is like chalk on a board for me. I heard that argument about hurting the Jews in the Soviet Union if we impose sanctions, and the Jews are much better off because we did impose sanctions. I heard that about the blacks in South Africa that we should engage rather than try to use economic pressure. I heard that about Iran, that we should not apply pressures against Iran. We should engage. We were able to engage Iran because we imposed sanctions.

So I would just urge us to understand that sanctions are much preferred than using military, and in many cases, they have allowed us to get results without the use of our military and that we should not be shy in using America's economic strength.

The CHAIRMAN. It is Senator Merkley's birthday. So I am going to allow him to ask one question post.

Senator MERKLEY. I will just do a 1-minute comment if I could.

Two things that I am very concerned about, Secretary Murphy. One is that in regard to our military contacts with Burma, we are currently hosting folks from the military in comprehensive security response, transitional security cooperation, advanced security cooperation. So we do have military officers from Burma. And I think we have to ask ourselves the question. The military organized the burning of nearly 300 villages, often the villages surrounded by a platoon, set fire, and then shoot people as they flee.

I think we need to think about all the levers we have to pressure the military. They are really in charge. We can talk about the civilian side of Burma, but it is the military that runs things, which is part of the reason that some folks say we should be careful about criticizing Aung San Suu Kyi because she does not have that much power. Well, the military has the power. Let us use and look at those levers.

The second thing is twice you have used the term vigilantes," which is the official excuse. A few people just acting randomly on their own do not surround hundreds of villages and shoot people

in a coordinated action. I think use of that term gives cover to the military in a way that is totally unacceptable.

The CHAIRMAN. Thank you.

Thank you very much for your testimony and service to the country.

We are going to leave the record open until the close of business Thursday. If you could answer them fairly promptly, we would appreciate it.

Again, we appreciate very much you being here, and I know that this committee is going to want to—we will stay on top of this. We look forward to Merkley's report when he is back.

With that, the meeting is adjourned.

[Whereupon, at 11:30 a.m., the hearing was adjourned.]

Additional Material Submitted for the Record

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO HON. MARK STORELLA BY SENATOR MARCO RUBIO

Question 1. According to the United Nations High Commission for Refugees (UNHCR), over 600,000 Rohingyas have fled from Burma into neighboring Bangladesh as a result of the violence and the U.N. High Commissioner for Human Rights has said that the situation “seems like a textbook example of ethnic cleansing.”

- Do you believe that the atrocities committed against the Rohingya by the Burmese military since late August constitutes ethnic cleansing?

Answer. Numerous, credible reports indicate that since August 25, more than 600,000 Rohingyas have fled across the border, escaping from reported killings, torture, rape, and widespread burnings of their villages. Many others have been displaced internally. These are terrible atrocities. In some cases, there is evidence that Burmese forces have perpetrated these mass atrocities in concert with local militias. As Ambassador to the United Nations Nikki Haley said on September 28, “We cannot be afraid to call the actions of the Burmese authorities what they appear to be: a brutal, sustained campaign to cleanse the country of an ethnic minority.” We are working with international partners to urge that Burma enables unhindered access to relevant areas for international humanitarian organizations, including UNHCR, and we continue to push for a role for credible outside observers in the repatriation process to ensure the conditions are right for all refugees and internally displaced people to return to their homes and land, safely, and voluntarily.

Question 2. Were the actions of the Burmese military since late August part of a widespread or systematic attack against the civilian population?

Answer. The Department continues to work within the interagency and the international community to review the facts and determine the nature of government actions in relation to the civilian population.

Question 3. What steps are the United States taking, in the short-, medium-, and long-term, to help stabilize the humanitarian crisis for the Rohingya?

Answer. Our focus is on: (1) facilitating access for humanitarian organizations to provide assistance in Rakhine State; (2) working with host governments in the region to ensure refugees are offered safe haven and treated with respect, and that host countries—especially Bangladesh—have what they need to help the refugees; (3) providing specific humanitarian contributions made by the State Department in coordination with USAID; and (4) ensuring that U.N. and other humanitarian agencies have the support they need to respond; and (5) calling for and supporting the voluntary return of Rohingyas in safety and dignity.

The number one humanitarian priority is gaining access to those in need in Rakhine State. Relief agency access to many of the affected areas remains severely limited. We take every opportunity to emphasize to Burmese officials at all levels of government the need to allow humanitarian assistance to those in need. We are working with international partners and stakeholders inside Burma to overcome challenges that have precluded humanitarian agencies and NGOs from reaching affected areas of northern Rakhine State.

We recognize the huge strain that the influx of refugees is placing on Bangladesh. In every meeting with Bangladeshi officials, we thank them for opening their borders and hosting hundreds of thousands of displaced people fleeing violence in Burma. We also discuss ways to support Bangladesh as the Government provides humanitarian assistance while balancing its own security concerns. We also urge Bangladesh to provide the necessary approvals to additional humanitarian organizations so that they can provide life-saving aid and to allow UNHCR a bigger role in the response, according to its mandate for refugee protection.

In addition to our diplomatic engagement, the United States is providing humanitarian assistance through our U.N. and international organization partners to help vulnerable populations affected by the Rakhine State violence. Thanks to support

from Congress, in FY 2017, the United States has contributed nearly \$104 million in assistance to displaced populations in Burma and for refugees from Burma in the region and is planning to announce additional funding shortly.

The region's capacity to handle the humanitarian crisis is dependent on the capacity of the U.N.-led humanitarian response, including deployment of emergency response experts and adequate staffing levels. In Bangladesh, we continue to advocate with U.N. coordinating agencies to increase expert technical staff on the ground and strengthen the coordination structure supporting implementation of the response plan. We continue to encourage seamless coordination and strategic vision for the response in Bangladesh.

In addition to pressing for immediate action to meet humanitarian needs, we are also supporting the Burmese elected government's efforts to address inherited challenges in Rakhine State. The Government established the Advisory Commission on Rakhine State, led by former U.N. Secretary General Kofi Annan, which in August produced a set of recommendations for addressing the complex issues in Rakhine State that have ignited many crises over past decades. The Commission's recommendations provide valuable ways forward in addressing underdevelopment, shortcomings in government services, access to justice, and ensuring a credible, transparent citizenship process for all people in Rakhine State. We continue to call for the Burmese Government to implement the Annan Commission's recommendations.

Question 4. Is the United States considering re-imposing targeted sanctions on Burma—specifically in response to its resumption of egregious violations of freedom of religion?

Answer. In accordance with Burma's long-time designation as a Country of Particular Concern for engaging in and tolerating systematic, ongoing and egregious violations of religious freedom, the administration continues to maintain a prohibition against arms sales to Burma. The administration is also considering a range of additional options. Any tools the United States uses to address the situation have to be carefully targeted to be effective in the complex environment. We do not want to make the crisis worse for vulnerable populations, or inhibit the flow of aid and assistance, and we want to continue to support those in Burma who are working to improve the situation in Rakhine, as well as to advance peace and broader democratic reforms.

Question 5. The tools provided to the United States under the International Religious Freedom Act are frequently underutilized. For Burma, this would mean imposing sanctions for religious freedom violations above and beyond any existing sanctions regime, including arms embargoes. These sanctions could include asset freezes and visa denials for specific individuals, agencies, or military units known to have committed particularly severe violations of religious freedom:

- Has the United States considered taking specific actions beyond existing sanctions as a direct response to religious freedom violations?

Answer. In accordance with Burma's long-time designation as a Country of Particular Concern for engaging in and tolerating systematic, ongoing and egregious violations of religious freedom, the administration continues to maintain a prohibition against arms sales to Burma. Whatever tools the United States uses to address the situation have to be carefully targeted to be effective in the complex environment. We do not want to make the crisis worse for vulnerable populations, or inhibit the flow of aid and assistance, and we want to continue to support those in Burma who are working to improve the situation in Rakhine, as well as to advance peace and broader democratic reforms.

Question 6. What is the U.S. Government doing to address the broad challenges to religious freedom across Burma that have marginalized religious and ethnic minorities in the country?

Answer. Since its transition to civilian government in 2016, Burma has made progress in protecting the rights of religious minorities, despite significant protests from politically powerful ultranationalist Buddhist groups. On May 23, the Burmese Government disbanded the Association for the Protection of Race and Religion (MaBaTha) because of its frequent religious hate speech. In a similar vein, on March 10, 2017, the Government prohibited prominent Buddhist ultranationalist monk Wirathu from giving public anti-Muslim diatribes, though he defied the prohibition.

Burma has also taken steps to increase the ability of Muslims to worship and live in peace. In January, the Burmese Government allowed Muslims to hold ceremonies across the country to commemorate the birth of the Prophet Muhammad. In previous years such ceremonies were restricted to Rangoon and Mandalay. After Bud-

dhist nationalists used violence to force two madrasas to close, authorities reacted swiftly, arresting two people and issuing warrants for five more, including two monks. On May 24, the Government released Muslim interfaith activists Pwint Phyu Latt and Zaw Zaw Latt from prison as part of an amnesty program. Christians, who make up at least six percent of the Burmese population, can generally freely practice their faith, engage in commerce, and hold government office. One of Burma's two Vice Presidents is Christian.

However, in Rakhine State, the Rohingya minority has reportedly faced mass atrocities resulting in the forcible displacement of more than 600,000 people to Bangladesh. In addition, ongoing ethnic conflicts in Kachin and Shan States have led to minority communities facing violence, displacement, and a denial of their human rights. The United States is committed to supporting Burma's peace process to end the violence and ensure that minority groups in Burma enjoy peace and stability.

Question 7. As the United States crafts a response to this crisis, what factors are you taking into account?

Answer. Through the interagency policy coordination process, the U.S. Government is taking into account numerous factors, including accountability for human rights abuses, humanitarian imperatives, and broader U.S. interests in supporting Burma's democratic transition. The U.S. is focusing on supporting the humanitarian response through funding and concerted advocacy to overcome roadblocks to an effective response, such as restricted humanitarian access in northern Rakhine State. The U.S. continues to advocate with the Government of Burma to create the conditions allowing a safe, voluntary, and dignified return as the main durable solution for the Rohingya population.

Question 8. As the Burmese Government is picking only a select few humanitarian partners, how do you plan to engage the Burmese Government on expanding the number of humanitarian partners allowed to access populations and deliver programming and assistance?

Answer. We take every opportunity to emphasize to Burmese officials at all levels of government the importance of humanitarian access. The White House, State Department, and the U.S. Mission to the U.N. have issued statements calling for immediate unhindered humanitarian access in Burma. Although the central Burmese Government's commitment to do so is encouraging, we continue to raise concerns with the Rakhine State Government and seek further implementation on the ground. The Red Cross Movement (RCM) has been allowed to provide humanitarian assistance in northern Rakhine State since late August. However, they cannot assess or meet all of the humanitarian needs in Rakhine State, and we continue to stress to the Burmese Government that U.N. agencies and international NGOs will also need operational space. In late October, the Burmese authorities granted the World Food Programme permission to resume food distributions in northern Rakhine State. However, bureaucratic challenges remain and actual implementation has yet to materialize.

Question 9. Is the State Department tracking individuals who are believed to have participated in these atrocities?

Answer. We are evaluating reports from many sources, both open source and internal to the United States Government. We are assessing authorities under the JADE Act to consider economic options available to target individuals associated with atrocities. Pursuant to the Leahy Law, we find all units and officers involved in operations in northern Rakhine State to be ineligible to receive or participate in any U.S. assistance programs. We are consulting with allies and partners on accountability options at the U.N., the U.N. Human Rights Council, and other appropriate venues, and we are exploring additional accountability mechanisms available under U.S. law.

Question 10. Does the State Department plan to hold Burmese officials involved in the atrocities accountable? If so, how?

Answer. Pursuant to the Leahy Law, we have found all units and officers involved in recent operations in northern Rakhine State to be ineligible to receive or participate in any U.S. assistance programs. The administration is considering a range of further options. Whatever tools the United States uses to address the situation have to be carefully targeted to be effective in the complex environment. We do not want to make the crisis worse for vulnerable populations, or inhibit the flow of aid and assistance, and we want to continue to support those in Burma who are working to improve the situation in Rakhine, as well as to advance peace and broader democratic reforms.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. MARK STORELLA AND W. PATRICK MURPHY BY SENATOR BENJAMIN L. CARDIN

Question 1. Deputy Assistant Secretary Murphy said yesterday that progress is being made on humanitarian access, specifically referencing a positive statement by the State Counsellor on October 12.

- Beyond this positive rhetorical statement, can you update the committee on what concrete progress has been made on humanitarian access? Has the Burmese Government agreed to allow additional international aid organizations access to Rakhine state beyond the Red Cross movement? If not, what concrete, demonstrable progress can we expect in coming days on humanitarian access?

Answer. Since late August, the Red Cross Movement (RCM) agencies have maintained regular access to provide humanitarian assistance in northern Rakhine State. In addition, three international NGOs and two local NGOs report intermittent access to affected populations in northern Rakhine State. The RCM agencies continue to scale up response operations to meet the growing humanitarian needs and have reached more than 40,000 people with food assistance and an estimated 36,000 people with emergency relief commodities. The U.N. World Food Program (WFP) reached approximately 118,000 people in central Rakhine State in October and plans to launch its November distributions in the coming days. WFP is also engaging in discussions with Burmese Government authorities to resume food distributions in northern Rakhine State.

Question 2. According to the USAID Burma Complex emergency fact sheet dated 30 September 2017, “UNICEF is also training traditional birth attendants and auxiliary midwives in newborn and maternal health care and conducting health and hygiene promotion activities.” UNFPA is the lead U.N. agency delivering maternal health care. Has UNICEF been put in the position to take over some of UNFPA’s mandate due to the USG’s lack of support to UNFPA?

Answer. In Bangladesh, humanitarian response for Rohingya refugees in Cox’s Bazar district is coordinated through the Inter-Sector Coordination Group (ISCG), a sector-based body led by the International Organization for Migration (IOM) with support from the U.N. Office for the Coordination of Humanitarian Assistance (OCHA). Under the ISCG, UNFPA is the sub-sector lead for gender-based violence (GBV) and assists in coordinating humanitarian agencies implementing activities to respond to the needs of survivors of GBV and to ensure prevention of GBV. UNICEF serves as the sector lead for nutrition, sub-sector lead for child protection, and co-lead for education and water, sanitation, and hygiene (WASH). As lead and implementer in nutrition and child protection sectors, UNICEF’s role in the response includes attention to maternal health and general health and hygiene promotion to provide appropriate support for the feeding and care of infants, young children, and their mothers as a critical means of supporting child survival, growth, and development to prevent malnutrition, illness, and death. In its operations elsewhere in the region, UNICEF has frequently trained traditional birth attendants and midwives in maternal health and implemented WASH activities; thus, UNICEF’s activities in response to the Rohingya crisis are no different from its established practice and mandate. Under the ISCG, UNICEF and UNFPA’s operations are coordinated and complementary.

Question 3. According to the same fact sheet, “State/PRM partners report an increasing number of SGBV survivors among new arrivals, who are in need of health and psychological support. In addition to SGBV survivors, many arrivals have experienced severely traumatic events and are in need of critical mental health and psychosocial support. Since the influx began, IOM and other State/PRM partners have responded to 180 SGBV cases, nearly 1,260 people in need of psychological first aid, and more than 4,900 extremely vulnerable individuals—including SGBV survivors and individuals vulnerable to exploitation, SGBV, or trafficking.” UNFPA is the lead U.N. agency on S/GBV response in crises:

- Is PRM working with UNFPA on this? If not, is PRM creating a parallel response because of their inability to work with UNFPA?

Answer. In Bangladesh, humanitarian response for Rohingya refugees in Cox’s Bazar district is coordinated through the Inter-Sector Coordination Group (ISCG), a sector-based body led by the International Organization for Migration (IOM) with support from the U.N. Office for the Coordination of Humanitarian Assistance (OCHA). PRM is funding partners whose activities are coordinated through the ISCG system.

Under the ISCG, UNFPA is the sub-sector lead for gender-based violence (GBV). In this role, UNFPA assists in coordinating humanitarian agencies implementing

activities to respond to the needs of survivors of GBV and to ensure prevention of GBV. These agencies include PRM-funded partners implementing GBV activities, such as UNICEF, UNHCR, and IOM. PRM closely monitors the impact of humanitarian assistance under the ISCG to ensure that implementation is well-coordinated to meet the needs of vulnerable populations without duplication of services or creation of a parallel response.

Question 4. How is the United States advocating for humanitarian access into Rakhine state? More specifically how is the State Department working to ensure the Government of Burma to provide travel permits to U.N. agencies to allow for humanitarian access into northern Rakhine state in particular?

Answer. The number one humanitarian priority is gaining access to those in need in Rakhine State. Although the Government of Burma has granted some international NGOs travel authorizations to work in central Rakhine State, other government regulations and procedures are hindering international NGOs from accessing all internally displaced person (IDP) camps and affected communities. In addition, safety concerns, a climate of intimidation, and restrictions on movements prevent many local Burmese staff of these organizations from accessing those in need. We take every opportunity to emphasize to Burmese officials at all levels of government the importance of humanitarian access. In addition to these discussions with our Burmese counterparts, the White House, State Department, and the U.S. Mission to the U.N. have issued statements calling for immediate unhindered humanitarian access. The United States has specifically called on the Burmese Government to simplify and streamline the travel authorizations process and although the central Burmese Government's commitment to do so is encouraging, we continue to raise concerns with the Rakhine State Government and seek further implementation on the ground.

Question 5. According to recent reports the Governments of Bangladesh and Burma have reached an agreement to "halt the outflow of [Burmese] residents to Bangladesh"—is the United States concerned that this agreement could prevent vulnerable Rohingya from fleeing the violence in Rakhine state?

Answer. We are aware of these media reports; however, there is no indication that Burma or Bangladesh have closed their borders. Since these media reports, several thousand Rohingya refugees have arrived in Bangladesh.

Question 6. UNHCR has said that forced returns are unacceptable and that returns eventually need to be considered and resolved but it does not appear that this situation is in place. What is the State Department doing to ensure that Rohingya are not forced to return from Bangladesh against their will?

Answer. The State Department has advocated with both the Burmese and the Bangladeshi Governments at the highest levels to ensure that Rohingya refugees can return voluntarily, safely, and with dignity. The State Department has also urged the Government of Burma to create the conditions allowing for such returns by addressing the root causes of the displacement, providing access to equal rights and citizenship for the Rohingya, and providing access to livelihoods opportunities.

Question 7. Does that United States anticipate it will be providing additional funding to support the humanitarian response?

Answer. Yes. PRM and USAID are planning additional funding for the refugee response. PRM will make additional contributions to the International Organization for Migration (IOM), the U.N. Children's Fund (UNICEF), and the U.N. High Commissioner for Refugees (UNHCR). USAID/FFP is also planning a contribution to UNICEF in the nutrition sector.

Question 8. Is the U.S. Government supporting any efforts to try and track/confirm the number of IDPs in Rakhine State?

Answer. We are in regular communication with Burmese and Bangladeshi Government authorities and U.N. and international NGO partners working in both Burma and Bangladesh to obtain daily and weekly situation reports and official government estimates to ascertain the number of displaced individuals. U.N. and international NGO partners work closely with Bangladeshi authorities to track the number of new arrivals, assess their needs, and document beneficiary data. These figures are compared with the known figure of approximately 800,000 Rohingya residing in northern Rakhine State before the previous outbreak of violence in October 2016, leading the U.N. to estimate that over 100,000 Rohingya remain in northern Rakhine State. The precise number of internally displaced persons (IDPs) in Rakhine State remains unknown due to ongoing population movements, limited humanitarian access, and a lack of recent official estimates from the Government of Burma. In September, the Rakhine State Government estimated the current crisis

had created approximately 200,000 new IDPs. However, many of those displaced persons have since crossed into Bangladesh. We fund U.N. and international NGO partners to provide humanitarian assistance, which includes efforts to track and confirm the number of IDPs in Rakhine State.

Question 9. What is the United States Government doing to support the Government [of] Bangladesh and host communities in Bangladesh to mitigate existing or potential tensions that could put displaced civilians at further risk?

Answer. The U.S. Government has encouraged the Government of Bangladesh to engage with the World Bank and the United Nations on medium- and long-term planning for the refugee response and on sustainable development to benefit both the host communities and refugees in refugee settlement areas. In addition, through the contribution to the International Organization for Migration (IOM), PRM is supporting the non-governmental organization Solidarites International (SI) to address the needs and vulnerabilities of the host communities impacted by the humanitarian crisis in Cox's Bazar. SI is providing emergency water, sanitation, and hygiene service delivery and distribution of basic products in the host community areas most affected by the recent influx of Rohingyas. This, alongside robust U.S. funding for the emergency response, will help mitigate the rise of tensions between host communities and refugees.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO
HON. MARK STORELLA BY SENATOR ROBERT MENENDEZ

Question 1. While I recognize this was covered at the hearing: do you believe the systematic attacks on the Rohingya population constitute ethnic cleansing? What factors are you considering in your determination.

Answer. The facts indicate that since August 25, over 600,000 Rohingya have been forced across the border, fleeing for their lives from reported killings, torture, rape, and widespread burnings of their villages. Many others have been displaced internally. These are terrible atrocities. In some cases, there is evidence that Burmese forces have perpetrated these mass atrocities in concert with local militias.

Ambassador to the United Nations Nikki Haley said on September 28, "We cannot be afraid to call the actions of the Burmese authorities what they appear to be: a brutal, sustained campaign to cleanse the country of an ethnic minority." Secretary Tillerson has been clear in saying that violence and persecution "have been characterized by many as ethnic cleansing." The Secretary also observed while in Burma on November 15 that what has occurred in Rakhine State that led to so many people fleeing has a number of characteristics of crimes against humanity. We are encouraging an independent investigation to understand the motivations for these crimes and hold accountable those responsible.

Question 2. Do you believe the Government of Burma is democratically controlled? Who do you believe controls the military?

Answer. Successful elections in 2015 yielded the first elected, civilian-led government in more than half a century. Per the 2008 Constitution produced by the previous military regime, however, the military has full authority over the armed forces, as well as the Ministries of Defense, Home Affairs, and Border Affairs, and twenty-five percent of parliamentary seats in union-, regional-, and state-level parliaments. The crisis in Rakhine State reminds us that the democratic transition remains in process, and that progress is fragile. The civilian, Union-level government has shown limited ability to influence the military or Rakhine State local administrative authorities regarding the issues facing the Rohingya.

Burma's civilian leadership has been trying to address five decades of military misrule and inherited challenges, including long-standing inter-ethnic tensions in Rakhine State. In spite of constitutional constraints, the democratically elected civilian government has made some progress in addressing difficult inherited challenges. They have released many political prisoners, amended some old laws limiting freedom of expression, and carried out long-overdue economic reforms. Perhaps most importantly, there has also been a marked decrease in high-level corruption among senior civilian government officials. None of this excuses inaction or failings by the civilian government on Rakhine or any other issue.

Question 3. Press freedom has not been a feature of Burma, with the state controlling main broadcasters and having a monopoly on telecommunications. Reporters Without Borders notes that self-censorship continues in connection to government officials and military officers. Independent human rights groups have noted that

Facebook and social media have played an instrumental role in promoting negative narratives about the Rohingya and Muslim population, often fueling the violence we have witnessed over the past year. In a recent New York Times interview, U Pe Myint, the nation's information minister, insisted the public needs to be guided saying "It looks rather like indoctrination, like in an authoritarian or totalitarian state."

- What is your assessment of the Government's role in using media and social media to promote and perpetuate negative narratives and stereotypes of Burma's Muslim population? Do you assess that the Government is utilizing state-run or social media to encourage the population to perpetrate violence against the Rohingya? What should the United States response be?

Answer. Social media is the predominant method by which information is exchanged on a mass scale, and has been a vehicle for amplifying negative stereotypes of the Rohingya. We continue to call on all involved to avoid inflammatory rhetoric that only serves to exacerbate a tense situation.

Question 4. What is the Department's assessment of ARSA? Does it have ties to international terrorist organizations?

Answer. The Arakan Rohingya Salvation Army (ARSA) first came to prominence in late 2016, when they took responsibility for deadly attacks on Burmese security forces. The self-proclaimed head of ARSA, Ata Ullah, is a foreign-born Rohingya. We understand he spent formative years in Pakistan and Saudi Arabia. ARSA claims to have no ties to transnational terrorist organizations. We know that ARSA has claimed responsibility for roughly 30 coordinated attacks on Burmese security forces on August 25 that killed 12. Reports from Burmese Government officials and sources inside the Rohingya community also suggest that ARSA may be responsible for killing some members of the Rohingya community it suspected of collaborating with the Government. We assess ARSA has limited resources and technical capability, but is actively working to expand those capabilities. We have not seen any credible evidence that ARSA has ties to international terrorist organizations.

Question 5. Do you believe that the displaced Rohingya population is more susceptible to ascribe to violent ideologies in response to their treatment by the Burmese Government? What steps are we and the international community taking to ensure that these vulnerable populations are not exploited by those seeking to do harm on an international level?

Answer. We have not seen compelling evidence that the displaced Rohingya population is particularly susceptible to extremist appeals in response to their treatment by the Burmese Government. The U.S. Government responded quickly to the urgency of the Rakhine State Crisis to meet the needs of the displaced populations. In FY 2017, we provided nearly \$104 million in humanitarian assistance for displaced people in and from Burma, including Rohingya populations. This funding includes long-standing support for displaced persons in Burma and the region, and nearly \$40 million in life-saving emergency assistance in direct response to the Rakhine State crisis. This reflects the U.S. commitment to address the unprecedented magnitude of suffering and urgent humanitarian needs. Besides our support for life-saving humanitarian assistance, we consistently engage with the Burmese Government to address the root causes and develop sustainable solutions.

We are also working closely with Bangladesh's civilian law enforcement through a community-policing program in Chittagong and support the Global Community Engagement and Resilience Fund to support grassroots projects to fortify the ability of these communities to resist appeals to violent extremism.

Question 6. It is estimated that more than half a million Burmese Rohingya have already left the country. Recently, a spokesman for the National League for Democracy stated that "these Muslims are illegal immigrants from Bangladesh and this crisis is an infringement of our sovereignty." It is likely that the Burmese Government will utilize every tool available to deny citizenship rights to people eventually seeking to return.

- How are you engaging with the Burmese and Bangladeshi Governments about the return of the displaced populations? What is the U.N.'s posture? How are you working with international partners on the ground to respond to these increasing numbers of refugees as well as eventual return?

Answer. We are engaging with the Burmese and Bangladeshi Governments to work in close cooperation on a coordinated plan for the repatriation of displaced populations that would allow for those who have fled to Bangladesh or are otherwise internally displaced in Burma to voluntarily return to their places of origin in safety and dignity.

The U.N. is also calling for both governments to facilitate safe, dignified, and voluntary returns. The U.S. Government is providing funding for the humanitarian response plans of U.N. and international NGO partners to provide humanitarian assistance to meet the needs of increasing numbers of refugees, while urging the Burmese and Bangladeshi Governments to reach agreement on a voluntary repatriation process that ensures safe and secure conditions in Rakhine State for a sustainable return.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO
HON. MARK STORELLA BY SENATOR JEFF MERKLEY

Question 1. What is the administration's 5 to 10 year plan for addressing the refugee crisis in Bangladesh?

- What engagements have you had with the Bangladesh Government to discuss their short, medium, and long term plan for the Rohingya refugees?
- Have you dissuaded them from a proposal to create a permanent "mega-camp"?

Answer. The Inter-Sector Coordination Group (ISCG), the coordination body for the refugee response, is leading efforts to plan sector activities through the end of December 2018. This planning process includes USG-funded partners such as the International Organization for Migration, the U.N. High Commissioner for Refugees, and the U.N. Children's Fund. The U.S. Government has encouraged the Government of Bangladesh to engage with the World Bank and the United Nations on medium- and long-term planning for the refugee response and sustainable development in the areas where refugees are residing. The U.S. continues to advocate with the Government of Burma to create the conditions allowing voluntary return as the main durable solution for the Rohingya population. The Government of Bangladesh has shown some receptiveness to concerted advocacy by the U.S. Government, other donors, and humanitarian partners on the dangers of a mega-camp. The Government now appears willing to consider options for dispersing the population throughout the Cox's Bazar district.

Question 2. Please describe what PRM and the State Department are doing with respect to ending statelessness of the Rohingya population, a core issue in this crisis?

- What did the State Department do to address the statelessness of the Rohingya population during previous conflicts in 2012, 2015 and 2016 when hundreds of thousands of Rohingya fled to Bangladesh?

Answer. PRM is the largest single donor of the Office of the U.N. High Commissioner for Refugees (UNHCR), the international organization mandated to prevent and reduce statelessness. Addressing the plight of the stateless Rohingya is among our top priorities. The Rohingya population was rendered stateless as a result of the 1982 Citizenship Law which denied their status as an officially recognized ethnic group in Burma. After consistent advocacy with the Burmese Government to address the root causes of the 2012 violence and develop a path to citizenship as a durable solution, a pilot citizenship verification process was initiated in June 2014 Myebon Township in Rakhine State but yielded very limited results. Other attempts have been stymied by the evolving dynamics of the security environment and the eruption of violence over the past five years in northern Rakhine State. Members of the Rohingya community generally refused to participate in the verification exercise for various reasons including the rejection of self-identification, lack of transparency, and limited tangible outcomes by those who have participated in the national verification process.

The State Department continues to urge Burmese Government officials to conduct a citizenship verification process as a part of a comprehensive approach that addresses the complex dynamics and needs of all communities in Rakhine State. Concerns about self-identification, freedom of movement, access to services and durable solutions for those displaced need to be addressed. Increased efforts to enhance trust and confidence-building measures, along with peaceful co-existence and social inclusion measures between the Rohingya and Rakhine communities are also needed.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO
HON. MARK STORELLA BY SENATOR CORY A. BOOKER

Question 1. Burmese policy documents show restrictions on Rohingya's "movement, marriage, childbirth, home repairs and construction of houses of worship."

Even prior to this crisis, access to emergency health care and humanitarian aid was highly restricted, leading to numerous reports of preventable deaths. Hate speech and violent propaganda continue to imperil Rohingya, as well as other Muslims in the country.

- Do you believe that the Burmese military and, therefore its government, have engaged in or currently engage in institutionalized racial and/or religious discrimination?

Answer. A fundamental problem in Rakhine State is widespread prejudice and racism among the general population directed specifically at the Rohingya. Muslims in Burma, including the Rohingya in Rakhine State, have for decades faced severe discrimination and restrictions on their access to citizenship, and ability to engage in economic activity, obtain an education, and register births, deaths, and marriages. Many of these restrictions come from local orders from the municipal government and the military. While the Constitution guarantees every Burmese citizen "the right to freely profess and practice religion subject to public order, morality or health and to the other provisions of this Constitution," religious discrimination still exists for Christian, Muslim, Hindu, and other religious minorities regarding employment opportunities, business ownership, construction of religious buildings of worship and other areas. This discrimination is ongoing and societal, but the Government has taken some steps to improve religious freedom. On May 23, the Burmese Government disbanded the Association for the Protection of Race and Religion (MaBaTha) because of its frequent religious hate speech. In a similar vein, on March 10, the Government prohibited prominent Buddhist ultranationalist monk Wirathu from giving public anti-Muslim diatribes. Burma has also taken steps to increase the ability of Muslims to worship and live in peace. In January, the Burmese Government allowed Muslims to hold ceremonies across the country to commemorate the birth of the Prophet Muhammad. In previous years such ceremonies were restricted to Rangoon and Mandalay. After Buddhist nationalists used violence to force two madrasas to close, authorities reacted swiftly, arresting two people and issuing warrants for five more, including two monks. On May 24, the Government released Muslim interfaith activists Pwint Phyu Latt and Zaw Zaw Latt from prison as part of an amnesty program. Christians, who make up six percent of the Burmese population, can generally freely practice their faith, engage in commerce, and hold government office. One of Burma's two Vice Presidents is Christian.

Question 2. To what extent is this humanitarian crisis a culmination of these institutionalized policies of racial and religious discrimination?

Answer. Given the context of longstanding severe discrimination against the Rohingya population, reports of extrajudicial killings, sexual violence, and burning of Rohingya villages by security forces and non-Rohingya civilians are particularly alarming. It is clear that longstanding discrimination against the Rohingya, not only by government and military actors, but also by other communities in Rakhine State and across Burma, has played a key role in creating and sustaining this crisis.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO
MS. V. KATE SOMVONGSIRI BY SENATOR BENJAMIN L. CARDIN

Question 1. Deputy Assistant Secretary Murphy said that progress is being made on humanitarian access, specifically referencing a positive statement by the State Counsellor on October 12. Beyond this positive rhetorical statement, can you update the committee on what concrete progress has been made on humanitarian access? Has the Burmese Government agreed to allow additional international aid organizations access to Rakhine State beyond the Red Cross movement? If not, what concrete, demonstrable progress can we expect in coming days on humanitarian access?

Answer. Since late August, the Red Cross Movement (RCM) agencies have maintained regular access to provide humanitarian assistance in northern Rakhine State. In addition, three international NGOs and two local NGOs report intermittent access to affected populations in northern Rakhine State. The U.N. World Food Program (WFP) reached approximately 118,000 people in central Rakhine State in October. On October 26, the Government of Burma granted permission to World Food Programme (WFP) to resume food distribution in northern Rakhine State.

WFP has resumed food distributions and plans to assist 36,000 people in northern Rakhine State in November, in addition to 100,000 beneficiaries to be reached by the Red Cross Movement. However, there is still an urgent need for access by a broader range of actors to ensure that adequate assistance reaches all communities in need.

Question 2. According to the USAID Burma Complex emergency fact sheet dated 30 September 2017, “UNICEF is also training traditional birth attendants and auxiliary midwives in newborn and maternal health care and conducting health and hygiene promotion activities.” UNFPA is the lead U.N. agency delivering maternal health care. Has UNICEF been put in the position to take over some of UNFPA’s mandate due to the USG’s lack of support to UNFPA?

Answer. In Bangladesh, humanitarian response for Rohingya refugees in Cox’s Bazar district is coordinated through the Inter-Sector Coordination Group (ISCG), a sector-based body led by the International Organization for Migration (IOM) with support from the U.N. Office for the Coordination of Humanitarian Assistance (OCHA). Under the ISCG, UNFPA is the sub-sector lead for gender-based violence (GBV) and assists in coordinating humanitarian agencies implementing activities to respond to the needs of survivors of GBV and to ensure prevention of GBV. UNICEF serves as the sector lead for nutrition, sub-sector lead for child protection, and co-lead for education and water, sanitation, and hygiene (WASH). As lead and implementer in nutrition and child protection sectors, UNICEF’s role in the response includes attention to maternal health and general health and hygiene promotion to provide appropriate support for the feeding and care of infants, young children, and their mothers as a critical means of supporting child survival, growth, and development to prevent malnutrition, illness, and death. In its operations elsewhere in the region, UNICEF has frequently trained traditional birth attendants and midwives in maternal health and implemented WASH activities; thus, UNICEF’s activities in response to the Rohingya crisis are no different from its established practice and mandate. Under the ISCG, UNICEF and UNFPA’s operations are coordinated and complementary.

USAID has not provided any funding to UNFPA in Burma. USAID-supported UNICEF training activities continue and are unaffected by U.S. Government policy regarding UNFPA.

Question 3. According to recent reports the Governments of Bangladesh and Burma have reached an agreement to “halt the outflow of [Burmese] residents to Bangladesh”—is the United States concerned that this agreement could prevent vulnerable Rohingya from fleeing the violence in Rakhine state?

Answer. We are aware of these media reports; however, there is no indication that Burma or Bangladesh has closed its borders. Since these media reports, several thousand Rohingya refugees have arrived in Bangladesh.

Question 4. How is the United States advocating for humanitarian access into Rakhine State? More specifically how is the State Department working to ensure the Government of Burma to provide travel permits to U.N. agencies to allow for humanitarian access into northern Rakhine State in particular?

Answer. The U.S. Government is working with the diplomatic community, the U.N., and other international organizations to urge Burmese authorities to provide unfettered humanitarian access and ensure humanitarian assistance reaches all communities in need. USAID and PRMK communicate daily with international and local partners as well as U.N. agencies and other donors. USAID and PRM staff provides daily updates and formulate advocacy messages for the Ambassador to deliver to high-level Government of Burma representatives, U.N., international non-governmental organizations, and other donors. In addition to these discussions with our Burmese counterparts, the White House, State Department, and the U.S. Mission to the U.N. have issued statements calling for immediate unhindered humanitarian access. The United States has specifically called on the Burmese Government to simplify and streamline the travel authorizations process and although the central Burmese Government’s commitment to do so is encouraging, we continue to raise concerns with the Rakhine State Government and seek further implementation on the ground.

Question 5. Does that United States anticipate it will be providing additional funding to support the humanitarian response?

Answer. In Burma, the primary challenge to the delivery of humanitarian assistance is not resources, but access. There is currently limited humanitarian access to northern Rakhine State for USAID partners with the exception of World Food Programme; however, USAID’s partners have maintained a presence in Rakhine and are ready to resume activities in northern Rakhine as soon as access is made avail-

able. USAID will continue to monitor the situation closely, coordinate with other donors, and explore whether additional funding is needed. The Red Cross Movement agencies have maintained access to northern Rakhine State and are providing critical humanitarian assistance with support from the State Department's Bureau of Population, Migration, and Refugees (State/PRM).

In Bangladesh, the needs remain immense. PRM is the primary responder to refugees. PRM is funding the U.N. High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the U.N. Children's Fund (UNICEF), the Red Cross Movement, and other humanitarian partners to provide humanitarian assistance. USAID is coordinating with State/PRM on response efforts, which has included the provision of \$7 million in food, nutrition, logistics and coordination assistance from USAID's Office of Food for Peace. The Centers for Disease Control is also providing ongoing technical assistance, most recently with nutrition assessments and analysis. Both State and USAID colleagues have provided surge staffing support for this crisis, enabling them to more effectively assess the needs from the ground. We continue to assess the situation for future funding consideration.

We are engaging with the Burmese and Bangladeshi Governments to work in close cooperation on a coordinated plan for the repatriation of displaced populations that would allow for those who have fled to Bangladesh or are otherwise internally displaced in Burma to voluntarily return to their places of origin in safety and dignity. The U.N. is also calling for both governments to facilitate safe, dignified, and voluntary returns. U.S. funding supports UNHCR's work, including UNHCR's cooperation with the Bangladesh Government to provide biometric registration for refugees who have crossed into Bangladesh, which can help support eventual voluntary and safe returns.

Question 6. In USAID Acting Deputy Assistant Administrator Somvongsiri's testimony, she mentioned the robust development programming that already exists in Bangladesh—what is this programming and is the programming being repurposed, if it is not already doing so, to help support Rohingya refugees?

Answer. USAID's robust development programming in Bangladesh focuses on agricultural productivity and crop diversity; child and maternal health; nutrition; natural resource management; resilience to natural disasters; education, governance; labor rights; and the rule of law. USAID has been assessing the most pressing short-term and longer-term development needs of the host communities in Cox's Bazar and utilizing our existing programs to provide additional assistance to the area where possible. These decisions are based on the flexibility and funding available within existing instruments, and assessments of specific needs in coordination with the State Department's Bureau of Population, Refugees, and Migration and non-USG aid work.

For example, we are expanding our Counter Trafficking-In-Persons activity in Cox's Bazar, as displaced Rohingya in overcrowded camps are vulnerable to trafficking, forced marriage and illegal child adoption.

On health service delivery, we are providing oral rehydration salts to prevent Rohingya children from dying from diarrhea. USAID supports the Smiling Sun Network of NGO clinics, which includes clinics in Cox's Bazar that provide emergency obstetric services and basic health services that are accessible to the host communities, including the refugees. Another USAID program expands access to and distribution of health-related products in Cox's Bazar by providing child health and nutrition services and detecting and referring TB cases. Over the past several weeks, this program has reported a significant increase in the demand for health-related products.

In recognition of the potential for volatility between the host community and refugee populations, USAID has initiated the "Protecting the Human Rights of Rohingya Refugees in Bangladesh" media activity to provide the refugees with useful information and positive messages to diffuse tension. This rapid-response activity will also provide technical assistance to local media to improve information flow to the host community and Rohingya refugees, and community outreach to dispel rumors and false information. USAID also intends to conduct a broad-based, conflict risk assessment to determine the utility of additional programming.

Finally, reflecting the efforts of humanitarian efforts to scale up and respond to the urgent needs in Cox's Bazar, a USAID development food security program redirected 120 metric tons of commodities to augment and diversify the food basket being provided by the World Food Program (WFP). These commodities—vegetable oil and lentils, valued at over \$119,000—are complementing WFP's food distributions for 24,000 people for a period of two months.

At this time, USAID does not recommend reallocation of other parts of the USAID/Bangladesh portfolio to the Rohingya crisis. Such reallocation could undermine broader gains and agreed-upon objectives worked out with the Government, and impede significant progress in core, critical development areas including food security, child mortality, infectious disease and other major challenges facing the country, which are already exacerbated by the refugee crisis.

Question 7. Is the U.S. Government supporting any efforts to try and track/confirm the number of IDPs in Rakhine State?

Answer. The exact number of Rohingya IDPs in Rakhine remains unknown due to a lack of access. Since August 25, the only international humanitarian actor the Government of Burma has allowed to conduct assessments in northern Rakhine state is the Red Cross Movement. Recently World Food Programme was granted permission to resume activities in northern Rakhine State and is planning a rapid assessment, but has not been able to arrive at an overall numbers of IDPs to date. There continues to be a caseload of 120,000 IDPs in central Rakhine who were displaced prior to August 25. The lack of adequate information on the numbers and needs of displaced people reinforces the importance of full humanitarian access to northern Rakhine State.

Question 8. What is the United States Government doing to support the Government [of] Bangladesh and host communities in Bangladesh to mitigate existing or potential tensions that could put displaced civilians at further risk?

Answer. USAID recognizes the potential for conflict between the Rohingya and host communities in Bangladesh. Where possible, USAID assistance to the Rohingya is also available to host communities, demonstrating that assistance is available to all. For example, in Cox's Bazar, the joint USAID/DFID Health Service Delivery Project supports five clinics that provide emergency obstetric services and two "vital" clinics that provide basic health services. Access to these clinics is open, including to the refugee and host communities. U.S. Government-funded humanitarian assistance in Bangladesh, including food and nutrition support, water and sanitation services, and other services, also includes assistance to host communities to reduce or mitigate tensions between refugees and the host community. Through the contribution to the International Organization for Migration (IOM), PRM is supporting the non-governmental organization Solidarites International (SI) to address the needs and vulnerabilities of the host communities impacted by the humanitarian crisis in Cox's Bazar. SI is providing emergency water, sanitation, and hygiene service delivery and distribution of basic products in the host community areas most affected by the recent influx of Rohingya. This, alongside robust U.S. funding for the emergency response, will help mitigate the rise of tensions between host communities and refugees. In addition, USAID has initiated the "Protecting the Human Rights of Rohingya Refugees in Bangladesh" media activity to provide refugees with useful information and positive messages to diffuse tension. USAID also intends to conduct a broad-based, conflict risk assessment to determine the utility of additional programming. The U.S. has encouraged the Government of Bangladesh to engage with the World Bank and the U.N. on medium- and long-term planning for the refugee response and on sustainable development to benefit both the host communities and refugees in refugee resettlement areas.

RESPONSE TO AN ADDITIONAL QUESTION FOR THE RECORD SUBMITTED TO
MS. V. KATE SOMVONGSIRI BY SENATOR ROBERT MENENDEZ

Question. It is estimated that more than half a million Burmese Rohingya have already left the country. Recently, a spokesman for the National League For Democracy stated that "these Muslims are illegal immigrants from Bangladesh and this crisis is an infringement of our sovereignty." It is likely that the Burmese Government will utilize every tool available to deny citizenship rights to people eventually seeking to return.

- How are you engaging with the Burmese and Bangladeshi Governments about the return of the displaced populations? What is the U.N.'s posture? How are you working with international partners on the ground to respond to these increasing numbers of refugees as well as eventual return?

Answer. We are engaging with the Burmese and Bangladeshi Governments to work in close cooperation on a coordinated plan for the repatriation of displaced populations that would allow for those who have fled to Bangladesh or are otherwise internally displaced in Burma to voluntarily return to their places of origin in safety

and dignity. The U.N. is also calling for both governments to facilitate safe, dignified, and voluntary returns. U.S. funding supports UNHCR's work, including UNHCR's cooperation with the Bangladesh Government to provide biometric registration for refugees who have crossed into Bangladesh, which can help support eventual voluntary and safe returns. The U.S. Government is providing funding for the humanitarian response plans of U.N. and international NGO partners to provide humanitarian assistance to meet the needs of increasing numbers of refugees, while urging the Burmese and Bangladeshi Governments to reach agreement on a voluntary repatriation process that ensures safe and secure conditions in Rakhine State for a sustainable return.

ANNEX I.—STATEMENT SUBMITTED BY AMNESTY
INTERNATIONAL, OCTOBER 23, 2017



October 23, 2017

Amnesty International USA calls on Congress to press the U.S. and international community to take immediate action to protect the Rohingya, including imposing targeted financial sanctions against senior military officials responsible for crimes against humanity.

Senator Bob Corker

Chairman

Senate Committee on Foreign Relations

423 Dirksen Senate Office Building

Washington, DC 20510-6225

Senator Ben Cardin

Ranking Member

Senate Committee on Foreign Relations

423 Dirksen Senate Office Building

Washington, DC 20510-6225

Re: Hearing on Assessing U.S. Policy Toward Burma: Geopolitical, Economic, and Humanitarian Considerations

Dear Chairman Corker, Ranking Member Cardin, and Members of the Committee:

On behalf of Amnesty International ("AI")¹ and our more than seven million members and supporters worldwide, we hereby submit this statement for the record.

This statement summarizes the findings of an AI briefing paper launched on October 18, 2017, *'My World Is Finished': Rohingya Targeted in Crimes against Humanity in Myanmar* (attached as Appendix A²) which represents our most detailed analysis of the crisis to date, and describes how Myanmar's security forces are carrying out a systematic, organized and ruthless campaign of violence against the entire Rohingya population in northern Rakhine State, in an apparent attempt to permanently drive them out of Myanmar for good. In just two months, nearly 600,000 Rohingya have poured into neighboring Bangladesh, one of the world's poorest and most densely populated countries. For a sense of scale, that is comparable to the entire population of Washington, D.C. running for their lives.

Since early September 2017, AI's crisis response team has been on the ground in the Bangladesh-Myanmar border region. Our team has interviewed over 120 Rohingya refugees including women who were raped by Myanmar soldiers, children who were shot by soldiers, and people whose limbs were blown off by landmines. Virtually every Rohingya refugee

¹ Amnesty International was awarded the Nobel Peace Prize in 1977.

² Appendix A contains the full version of AI's October 18, 2017 report *My World Is Finished: Rohingya Targeted in Crimes Against Humanity in Myanmar*.

interviewed by AI has lost family members – some massacred, others burned alive in their homes. AI has also interviewed over 30 medical staff, aid workers, and Bangladeshi officials working directly with the Rohingya refugees who have corroborated these accounts.

In addition, AI experts have used high-resolution satellite technology, aerial photographs, and video footage to confirm the mass burnings of Rohingya villages throughout northern Rakhine State. Finally, AI experts have verified that Myanmar soldiers have recently planted anti-personnel landmines along paths being used by fleeing Rohingya.³

AI's rigorous human rights documentation, coupled with modern technology all point to the same conclusion: *nearly 600,000 Rohingya have been the victims of widespread and systematic attacks, amounting to crimes against humanity.*⁴

Because our briefing paper *'My World Is Finished': Rohingya Targeted in Crimes against Humanity in Myanmar* discusses the Myanmar military's atrocities in detail, the congressional statement will focus on:

- (1) Identifying the specific Myanmar military units implicated in the most heinous human rights abuses in northern Rakhine State; and
- (2) Recommended actions that the U.S. government and international community should immediately undertake to halt the Myanmar military's ethnic cleansing campaign.

I. Amnesty International has identified specific Myanmar military units and individuals in crimes committed in northern Rakhine State.

While AI's investigations remain ongoing into the responsibility of specific units and individuals involved in crimes committed in northern Rakhine State, there is strong evidence from consistent, corroborating witness accounts that certain units have been disproportionately involved in some of the worst violations including the Myanmar Army's Western Command, the 33rd Light Infantry Division, and the Border Guard Police.

The Commander in Chief of the Myanmar military, Senior-General Min Aung Hlaing bears the principal command responsibility for the brutal military campaign. Apart from two days, he has been in Myanmar since August 25, 2017. People with intimate knowledge of the military's ongoing campaign in northern Rakhine State have told AI that the Commander-in-Chief has close oversight of the military's operations.

- *September 1*: he announced on his Facebook page, "in the ongoing incidents," the Myanmar military "had to get involved as the strength of police forces alone could

³ Appendix B contains an AI press release documenting the use of anti-personnel landmines along the Myanmar-Bangladeshi border.

⁴ AI has documented that Rohingya have been victims of the following crimes against humanity: (1) murder including through the use of landmines; (2) deportation and forcible displacement through armed attacks, killings, rape, the burning of buildings, looting; (3) torture including rape, beating, killing in front of family members; (4) rape and other forms of sexual violence of comparable gravity; (5) persecution based on ethnic and religious grounds through burning of whole villages, looting, and severe restrictions on humanitarian aid; and (6) other inhumane acts including denial of access to life-sustaining provisions.

not defend.” His Facebook page includes a September 1 [post](#), “We openly declare that ‘absolutely, our country has no Rohingya race.’”

- *September 19 to 21*: he met with senior military officers on the ground in Rakhine State, including the head of Western Command. While in Rakhine State, his Facebook page included statements indicating that he “gave [those commanders] instructions on getting timely information” and on the “systematic deployment of security forces,” among other things; he also “honoured” the military’s “brilliant efforts to restore regional peace.”
- *October 11*: his Facebook [page](#) posted this statement: “exaggeration to say that the number of [Rohingya] fleeing to Bangladesh is very large” and that the “native place of [the Rohingya] is really Bengal. Therefore, they might have fled to the other country with the same language, race and culture as theirs by assuming that they would be safer there.”

Western Command: In many villages where AI documented mass killings and other serious violations, witnesses consistently described a patch on soldiers’ uniforms that matches the one worn by Western Command. Witnesses who offered this description of a logo that looked like a star and flower, or drew a related picture, were then presented with various options of Myanmar Army patches. They each picked out the Western Command patch. Western Command has long played a leading role in military operations in northern Rakhine State, and is led by Major General Maung Maung Soe.

33rd Light Infantry Division (“LID”): Several witnesses in scorched Rohingya villages described and identified the patch worn by the 33rd LID. Many soldiers from the 33rd and 99th LIDs were moved from northern Myanmar to Rakhine State in mid-August 2017. In June, AI published a [report](#) that documented war crimes committed by soldiers from these two units against civilians from ethnic minorities in northern Shan State, as part of the ongoing internal armed conflicts in northern Myanmar.

Border Guard Police (“BGP”): Rohingya witnesses repeatedly implicated the BGP, a force that has operated in close proximity to many Rohingya villages since it was established in 2014. The BGP are identified by their distinct, camouflage blue uniforms. Witnesses from at least several dozen burned villages described the BGP working with the Army to surround and set ablaze Rohingya houses. The BGP were also identified as among the perpetrators of killings and sexual violence in several villages. Major General Thura San Lwin was the commander in charge of the BGP from October 2016 until early October 2017, a period marked by two rounds of highly abusive “clearance operations” that followed ARSA attacks. He was then replaced by Brigadier-General Myint Toe.

AI is not aware of any disciplinary measures being taken against soldiers or commanders implicated in violations during the campaign, nor of efforts to relocate away from ongoing operations specific units that have been identified as responsible. Indeed, the Myanmar military and government have instead repeatedly denied responsibility for any such violations, and justified their approach by implying, for example, that all Rohingya men are “terrorists.” This fits a longstanding pattern of impunity.

II. The U.S. and international community must undertake actions to halt the ethnic cleansing campaign and to hold the Myanmar military accountable for its atrocities

AI strongly urges the U.S. government and international community to take the following actions without delay:

- A. Cut off military cooperation with the Myanmar military by immediately suspending the transfer of all weapons, munitions, and other security assistance.
- B. Impose a comprehensive arms embargo as well as targeted financial sanctions against senior Myanmar military officials responsible for the most heinous human rights abuses.
- C. Press Myanmar authorities to provide immediate unfettered access to northern Rakhine State for the U.N. Fact-finding Mission. The mission's work is essential to investigate independently the human rights violations and abuses committed by all sides.
- D. Press Myanmar authorities to halt the severe restrictions imposed on international and local aid organizations. These restrictions have deprived the Rohingya of food and other life-sustaining provision, thereby compounding their suffering. There is mounting evidence that the latest wave of Rohingya pouring into Bangladesh is facing starvation.
- E. While AI welcomes the U.S. government's recent contribution of 32 million dollars in humanitarian aid for the Rohingya, given the enormity of the humanitarian crisis, the U.S. should increase aid to provide food, medical care, water, sanitation, and shelter for the nearly 600,000 Rohingya refugees.
- F. Press the Myanmar civilian government to end the longstanding systematic discrimination against the Rohingya who are denied citizenship under Myanmar law despite having resided there for decades. For those Rohingya who wish to return to Myanmar voluntarily, authorities must facilitate such return in safety and with dignity in accordance with international law.

Time is of the essence. The Rohingya can wait no longer while the U.S. and international community stand by as the Myanmar military continues to commit crimes against humanity with impunity. If the international community does not come together now to save lives and protect refugees, when will it?

Sincerely,

Joanne Lin
National Director
Advocacy and Government Affairs

ANNEX II.—“MY WORLD IS FINISHED,”
ROHINGYA TARGETED IN CRIMES AGAINST HUMANITY IN MYANMAR



“MY WORLD IS FINISHED”

ROHINGYA TARGETED IN CRIMES AGAINST HUMANITY IN MYANMAR



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Cover photo: An aerial photograph showing the burned down village of Kha Ru Chaung in Maungdaw Township, Myanmar, 27 September 2017. © Private



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MAPS





1. INTRODUCTION

Early in the morning of 25 August 2017, members of a Rohingya armed group, the Arakan Rohingya Salvation Army (ARSA), attacked approximately 30 security force outposts in northern Rakhine State.¹ In its response, the Myanmar Army, rather than targeting ARSA, launched an attack on the Rohingya population in northern Rakhine State as a whole. Often working with Border Guard Police (BGP) and local vigilantes, the military has carried out a campaign of violence that has been systematic, organized, and ruthless.

In this briefing, Amnesty International presents evidence that the Myanmar military has killed at least hundreds of Rohingya women, men, and children; raped and perpetrated other forms of sexual violence on Rohingya women and girls; and carried out organized, targeted burning of entire Rohingya villages. This briefing builds on Amnesty International's published findings since the crisis began, including on the Myanmar military's use of anti-personnel landmines. In seven weeks, the relentless human rights violations have forced more than 520,000 Rohingya to flee to neighbouring Bangladesh. More cross the border daily.

The attack on the Rohingya population has been both systematic and widespread, constituting serious human rights violations and crimes against humanity under international law (see text box below). The violations and crimes have been committed within a context of decades of systematic, state-led discrimination and persecution of the Rohingya population and occasional large-scale outbreaks of violence. After ARSA attacks on security force outposts in October 2016, the Myanmar military carried out "clearance operations" marked by widespread and systematic human rights violations, including unlawful killings, sexual violence and other forms of torture, enforced disappearances, and arbitrary arrests, which Amnesty International concluded may have amounted to crimes against humanity. The current campaign is an escalation, with the targeted burning of villages on a massive scale seemingly designed to push the Rohingya population in northern Rakhine State out of the country and make it incredibly difficult for them to return.

This briefing is based primarily on more than 150 interviews conducted in person in the Cox's Bazaar region of Bangladesh and by phone with people inside northern Rakhine State. Amnesty International had a consistent research presence in Bangladesh for most of September, interviewing more than 120 Rohingya who have fled since 25 August, as well as medical professionals, aid workers, journalists and Bangladeshi authorities. In early September, Amnesty International also met in Naypyidaw and Yangon with Myanmar government officials as well as foreign diplomats, aid workers, and journalists. Where they have consented, interviewees are referred to using their real names; in other cases, in particular for survivors of sexual violence, interviewees are referred to using initials that do not reflect their actual names.

In addition, this briefing draws on an analysis of satellite imagery and data, as well as dozens of photographs and video footage taken inside Rakhine State and subsequently verified as authentic by Amnesty International. For most incidents described in this briefing, Amnesty International has corroborated events through witness accounts, satellite imagery, and verified photographs or videos from the same location.

Amnesty International has sought access to Rakhine State, including by making a formal request to the Myanmar authorities. At the time of writing, the authorities had yet to respond. Amnesty International also interviewed 12 Hindu men and women from northern Rakhine State who fled to Bangladesh, as part of its efforts to examine allegations of unlawful killings and other abuses by ARSA, including an alleged massacre in Ye Baw Kya village in Maungdaw Township. The accounts Amnesty International received included critical inconsistencies, such that we have not been able to reach a conclusion about the perpetrators at this time. To be able to fully document the violations and abuses by all sides, including ARSA, the Myanmar authorities

¹ Northern Rakhine State is typically understood to refer to Maungdaw and Buthidaung Townships, which collectively comprise Maungdaw District. However, in this briefing, given that the military's campaign of violence has also targeted Rohingya in Rathedaung Township, the term "northern Rakhine State" will be used to refer to all three townships. Rathedaung Township falls administratively under Sitwe District.

need to allow unfettered access to human rights organizations, journalists, and the UN Fact-Finding Mission. In the coming months, Amnesty International will produce a full report on the current crisis, bringing together the totality of its work and examining more thoroughly the issue of individual criminal responsibility.

THE ARAKAN ROHINGYA SALVATION ARMY (ARSA)

ARSA became known to the public after it launched a series of attacks in October 2016 on three Myanmar border police posts in Rakhine State. The group was then known as *Harakat al-Yaqin*, or “the faith movement,” before changing its name to ARSA in 2017.²

Established in the aftermath of anti-Muslim violence in Rakhine State in 2012, its core group of trained fighters has been estimated as only in the hundreds.³ However, in carrying out attacks on Myanmar police outposts, first on 9 October 2016, and then on 25 August 2017, the group has relied primarily on several thousand mobilized or conscripted Rohingya villagers, untrained and armed with little more than bladed weapons and some home-made firearms and explosives.⁴

The International Crisis Group reported in December 2016 that ARSA had received training and support from outside Myanmar.⁵ The group’s leader, Ata Ullah, denied to CNN any influence from foreign supporters,⁶ and has said that ARSA’s aims are strictly ethno-nationalist, and in particular about defending the long-persecuted Rohingya population in Rakhine State.⁷

In the months preceding the 25 August attacks, Muslims and Buddhists in northern Rakhine State were reportedly killed for being “suspected of serving as government informants.”⁸ Amnesty International has independently received information about several dozen such killings allegedly linked to ARSA, which it is working to corroborate.

Then, on 25 August, ARSA launched near-simultaneous attacks across northern Rakhine State on around 30 police outposts and an army base, killing 12 state officials, including 11 members of the Myanmar security forces, according to media reports citing the government.⁹ The attacks came just hours after the release of the final report of the Advisory Commission on Rakhine State, led by former UN Secretary-General Kofi Annan, which had been tasked with identifying solutions for peace and development in the troubled region. The scale and level of organization in the attacks showed a more sophisticated ability to plan and mobilize than had the October 2016 attacks.

The Myanmar authorities allege that ARSA has killed civilians in the aftermath of the 25 August attacks, including Hindu men and women, and burned ethnic Rakhine villages.¹⁰ Amnesty International’s investigations into these claims remain ongoing.

² Bertil Lintner, “The truth behind Myanmar’s Rohingya insurgency,” *Asia Times*, 20 September 2017.

³ See, e.g., Bertil Lintner, “The truth behind Myanmar’s Rohingya insurgency,” *Asia Times*, 20 September 2017; Jonathan Head, “Rohingya crisis: Finding out the truth about Arsa militants,” BBC News, 11 October 2017.

⁴ Bertil Lintner, “The truth behind Myanmar’s Rohingya insurgency,” *Asia Times*, 20 September 2017; Jonathan Head, “Rohingya crisis: Finding out the truth about Arsa militants,” BBC News, 11 October 2017.

⁵ International Crisis Group, Myanmar: A New Muslim Insurgency in Rakhine State, Report No. 283 / Asia, 15 December 2016.

⁶ CNN, “Who are Myanmar’s militants? Five questions about ARSA,” 12 September 2017.

⁷ See, e.g., Bertil Lintner, “The truth behind Myanmar’s Rohingya insurgency,” *Asia Times*, 20 September 2017; Jonathan Head, “Rohingya crisis: Finding out the truth about Arsa militants,” BBC News, 11 October 2017.

⁸ Bertil Lintner, “The truth behind Myanmar’s Rohingya insurgency,” *Asia Times*, 20 September 2017.

⁹ Reuters, “At least 71 killed in Myanmar as Rohingya insurgents stage major attack,” 24 August 2017.

¹⁰ Myanmar News Agency, “ARSA burns down villages,” *The Global New Light of Myanmar*, 5 September 2017; Associated Press, “Myanmar officials: Insurgents killed 45 Hindu villagers,” 25 September 2017; Associated Press, “Myanmar says 163 killed in Rohingya attacks in past year,” 27 September 2017.

CRIMES AGAINST HUMANITY

Crimes against humanity are prohibited acts committed as part of widespread or systematic attack directed against a civilian population as part of a state or organizational policy. The Rome Statute of the International Criminal Court defines crimes against humanity in Article 7: "For the purpose of this Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack..."¹¹ Article 7(1) lists 11 crimes, or "acts," including "[m]urder"; "forcible transfer of population"; "[t]orture"; "[r]ape"; as well as "[p]ersecution against any identifiable group" on any "grounds that are universally recognized as impermissible under international law."¹²

"Attack directed against any civilian population" is defined in Article 7(2)(a) as "a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a state or organizational policy to commit such attack."¹³ The definition in the Rome Statute reflects rules of customary international law¹⁴ binding on all states, regardless of whether or not a state is party to the Statute.

The contextual elements of crimes against humanity require that each individual act be perpetrated in the context of a widespread or systematic attack directed against a civilian population and with knowledge of the attack. Each element of these requirements must be proved before any accused person can be convicted of crimes against humanity. As detailed in this briefing, Amnesty International is of the view that these contextual elements are very likely met in Myanmar and an independent, impartial and effective criminal investigation is needed to establish individual responsibility for these and other crimes.

Crimes against humanity are the subject of universal jurisdiction.¹⁵ Any state may, under customary international law, undertake one of the following actions against suspected perpetrators of crimes against humanity, even where the suspects are neither nationals nor residents of the state concerned, and the crime(s) did not take place in its territory:

- bring such persons before its own courts;
- extradite such persons to any state party willing to do so; or
- surrender such persons to an international criminal court with jurisdiction to try persons for these crimes.

¹¹ Rome Statute of the International Criminal Court, 2187 U.N.T.S. 90, entered into force 1 July 2002, Art. 7(1).

¹² Rome Statute of the International Criminal Court, 2187 U.N.T.S. 90, entered into force 1 July 2002, Art. 7(1).

¹³ Rome Statute of the International Criminal Court, 2187 U.N.T.S. 90, entered into force 1 July 2002, Art. 7(2)(a).

¹⁴ For a description of customary international law on crimes against humanity, see Report of the International Law Commission: Sixty-seventh session (4 May-5 June and 6 July-7 August 2015), Chapter 7: Crimes against Humanity, UN Doc. A/70/10, p. 54 ("The characterization of crimes against humanity as 'crimes under international law' indicates that they exist as crimes whether or not the conduct has been criminalized under national law.").

¹⁵ On universal jurisdiction over crimes against humanity, see Amnesty International, *Universal Jurisdiction: The duty of states to enact and enforce legislation* (Index: IOR 53/008/2001), 1 September 2001, Chap. 5.

2. WIDESPREAD UNLAWFUL KILLINGS

“We lost our children, we lost our husbands.”

Shara Jahan, 40, who was severely burned when soldiers set fire to her house with her still inside. Her husband and 20-year-old son were killed during the military's attack on Chut Pyin village, Rathedaung Township.¹⁶

In the hours and days following the ARSA attacks on 25 August 2017, the Myanmar security forces, at times working alongside vigilante mobs from non-Rohingya ethnic groups, surrounded Rohingya villages throughout the northern part of Rakhine State.¹⁷ As Rohingya women, men, and children fled their homes, the soldiers and police officers often opened fire, killing or seriously injuring at least hundreds of people in total. Survivors described running to nearby hills and rice fields where they hid until the forces left. However, individuals from particular groups, including the elderly and persons with disability, were often unable to flee. As the Myanmar military set fire to villages, people were burned to death in their homes.

This pattern was replicated in dozens of villages across Maungdaw, Buthidaung, and Rathedaung Townships.¹⁸ But the security forces, and in particular the Myanmar military, appear to have carried out their most lethal response in specific villages near where ARSA carried out its attacks. This section will examine five such villages where Amnesty International believes, based on consistent, mutually-corroborating witness accounts, that at least a dozen people were killed; in two of these five villages, Chut Pyin in Rathedaung Township and Min Gyi in Maungdaw Township, the death toll was substantially higher.

After days or even weeks of trying to escape the violence, hundreds of Rohingya have arrived in Bangladesh with gunshot wounds, suggesting a scale of unlawful killings and serious bodily injury that corroborates victim and witness accounts. Médecins Sans Frontières (MSF) reported that, between 25 August and 12

¹⁶ Amnesty International interview, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017.

¹⁷ Throughout this briefing, Amnesty International uses the term “non-Rohingya” when talking about local vigilantes who, in many villages, worked with the Myanmar security forces to target the Rohingya population. Rohingya witnesses from different villages described vigilantes from different ethnic groups, even if ethnic Rakhine was most common. The same terminology will be used to describe villages where reside people from ethnic groups other than the Rohingya. Rakhine State is a diverse region, home to around 3.2 million people of different ethnicities and religions. The population comprises several communities, or groups, who self-define in terms of ethnicity, religion, or both. The largest community is Buddhist Rakhine, while the predominantly Muslim Rohingya constitute the second largest group. A small number of other minorities, including ethnic Kaman (another predominantly Muslim group), Chin, Mro and Maramagi (who are Buddhist, Christian or Animist), live in the state. The state is also home to a small Hindu community. Precise figures for the Rohingya population are not publicly available, as in March 2014 the Government of Myanmar reneged on a promise to allow individuals to self-identify in the forms of the first national census since 1983. Instead, it required Rohingyas to register as “Bengali,” a term they reject. As a result, Rohingya refused to register and were not included in the count. According to the final report of the 2014 Population and Housing Census, 1,090,000 people, all believed to be Rohingya/Muslims, were not enumerated out of a total population of 3,188,963 people for Rakhine State. See Republic of the Union of Myanmar, The 2014 Population and Housing Census, Rakhine State, Census Report Volume 3-K, May 2015, p.8.

¹⁸ Maungdaw and Buthidaung Townships comprise Maungdaw District, where there is a particularly large Rohingya population. According to a government commission, “The population in Maungdaw District consists of ethnic peoples and Muslims. Out of a total population of 834,637, 90.50% or 755,371 are Muslims. In Maungdaw Township, 93.8% are Muslims. Among the villages in Maungdaw District, 447 are Muslim villages, 240 ethnic villages, 12 mixed villages and 4 other villages.” Summary of the Report of the Investigation Commission for Maungdaw in Rakhine State, on file with Amnesty International.

September, it had treated 147 Rohingya refugees with gunshot wounds.¹⁹ Cox's Bazaar District Sadar Hospital, one of three government-run hospitals receiving patients in the region, had statistics as of 30 September showing that its surgical ward had treated 187 Rohingya patients, including 126 for gunshot wounds. The surgical patients were 87 men, 57 women, and 43 children.²⁰ Other clinics, including one run by the International Organization for Migration (IOM), have treated additional patients.²¹

During its research in Bangladesh, Amnesty International interviewed 19 Rohingya with gunshot wounds, including nine children. During visits to two clinics and in walking around the camps, delegates were shown gunshot wounds on several dozen more refugees. Delegates also interviewed five Rohingya women and girls with burn wounds, which ranged from covering extremities to almost all areas of their body. Amnesty International sent photographs of some of these wounds to forensic medical experts, who, in each case, said the wounds were consistent with the description provided. In several cases of photographed gunshot wounds, the forensic medical experts said the wounds appeared to indicate that the person had been shot from behind. Medical professionals in Bangladesh similarly told Amnesty International that many of the gunshot wounds they had treated appeared to come from bullets fired from behind,²² matching victims' and witnesses' descriptions that the Myanmar military opened fire on them as they were running away.

Corroborating witness testimony, medical expert accounts, and statistics together indicate that the Myanmar military carried out widespread unlawful killings in the course of its scorched-earth campaign.



Nur Acha, 56, in her shelter in Kutupalong Refugee Camp, Bangladesh, holding an image of her two sons, 27 September 2017. The military shot and killed her eldest son, Mohamed Rafique, during its attack on the village of Koe Tan Kauk. © Andrew Stanbridge / Amnesty International © Andrew Stanbridge / Amnesty International

CHEIN KAR LI AND KOE TAN KAUK

According to the Myanmar authorities, early in the morning of 25 August 2017, ARSA militants attacked a police outpost near Koe Tan Kauk, a village that neighbours Chein Kar Li in Rathedaung Township.²³ In response, the Myanmar military attacked the whole Rohingya population in both villages, first encircling Chein Kar Li, opening fire on it, and burning it down later on 25 August, before carrying out a similar attack on Koe Tan Kauk several days later.

Amnesty International interviewed seven people from Chein Kar Li who fled to Bangladesh. They consistently

¹⁹ Médecins Sans Frontières (MSF), "Ongoing military operations in Rakhine State have resulted in more than 400,000 people fleeing to Bangladesh," 20 September 2017, <https://www.msf.org.uk/country/myanmar-burma> (last accessed 5 October 2017).

²⁰ Statistics shared by hospital doctor and spokesperson on the Rohingya patients, 30 September 2017, on file with Amnesty International.

²¹ Amnesty International interviews, Cox's Bazaar District, Bangladesh, September 2017.

²² Amnesty International interviews, Cox's Bazaar District, Bangladesh, September 2017; and email correspondence, September 2017.

²³ Myanmar's Information Committee (formally known as the State Counsellor Information Committee) reported that ARSA attacked the Koe Tan Kauk police station at 4:50 a.m.; "[t]he military columns arrived... at 5:15 a.m. and returned fires [sic], killing six attackers. Information Committee, "Breaking News 2," 25 August 2017, <https://www.facebook.com/InformationCommittee/posts/785202504986191> (last accessed on 10 October 2017).

described scores of Myanmar soldiers, dressed in dark green uniforms, descending on the village at around 7 or 8 a.m. Several residents who lived on the far southern side of Chein Kar Li, near the ethnic Rakhine part of the village tract²⁴—where the police outpost is located and where soldiers reportedly often stayed in a Buddhist temple—saw through the bamboo siding of their homes when the soldiers arrived. Foyzullah, 37, told Amnesty International:

"They entered—they stepped into the village—and they opened fire. When I first heard the gunshots, I came outside near the road. Seeing [the soldiers], I went back into my house, took all of my family, and we fled towards the nearby hill.

Many people were running to the hill. Soldiers were coming from a different direction, and we came across them. They opened fire. I saw people get hit. My elder brother's wife, [Zuleka, 70], and daughter, [Mazeda Begum, 25], were both hit by bullets.

*We came down from the hill [after the military left]. It was near sunset. They were just lying in the place they got shot. I dug a hole with my brother [in the courtyard of a nearby house], and we put in both bodies. We didn't have time to bury them properly."*²⁵

Dil Bahar, 36, was also at home when she heard gunfire that morning. She told Amnesty International she fled to the nearby hill with her husband, Badu, and their eight children; upon arriving, they realized their 5-year-old son was missing. "My husband said let me check," she recalled. "When he was looking for him, that's when he got shot."²⁶ She first heard the news from neighbours who witnessed Badu's death, then saw his body as she left the hill a day later and began her journey to Bangladesh.²⁷ Her 5-year-old son survived.

Mohamed Zubair, 26, shared a house with his grandmother, Toyeba Khatun, who was over 90 years old. When the military opened fire, he recalled, "I spoke with her. I asked her to follow us to the hill. She said, 'I'm old, they won't do anything to me. Go.' I wanted to carry her, but she didn't agree."²⁸ After making it to the hill, he watched as soldiers torched the village, including the house where he had left his grandmother. When the military left late in the afternoon, he went back down. "She was dead," he said. "Her body was burnt very seriously. The house was burned. The small tree [in the courtyard] was burnt. Everything."²⁹

Fire data from remote satellite sensing, reviewed and analysed by Amnesty International, detected a large fire in Chein Kar Li on 25 August, corroborating witness accounts that the village was burned that day. Before and after satellite imagery also shows the complete burning of the village. Finally, Amnesty International received video footage of houses burning, reportedly in Chein Kar Li, and was able, through geolocation, to independently determine that the footage was indeed filmed in Chein Kar Li.



Chein Kar Li (20.41184998, 92.65679169). Date of satellite image: December 2016 (pre-burning). Image © 2017 CNES/Airbus

²⁴ UN MIMU maps and satellite imagery support the description that the Rakhine part of the village is to the south of the Rohingya part.

²⁵ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 23 September 2017.

²⁶ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 23 September 2017.

²⁷ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 23 September 2017.

²⁸ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 September 2017.

²⁹ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 September 2017.

The seven Rohingya interviewed from Chein Kar Li identified, in total, six relatives who they said were killed. Amnesty International received a credible report from an independent source that indicated at least 29 Rohingya were killed in Chein Kar Li. Both the Rohingya village and the nearby Rohingya internally displaced persons (IDP) camp were burned down.

Many Rohingya from Chein Kar Li remained hidden on the nearby hill through the night of 25 August, before going to the neighbouring village of Koe Tan Kauk on 26 August.³⁰ Then, on 27 or 28 August, the military attacked there, again reportedly coming from the south, the direction of Chein Kar Li. In addition to five Rohingya from Chein Kar Li who had taken refuge in Koe Tan Kauk, Amnesty International interviewed six Rohingya residents of Koe Tan Kauk itself, including a 15-year-old boy with a gunshot wound to his wrist.

Nur Asha, 56, was at home with her son and his family when they heard gunfire and saw a mixture of military in green uniforms, BGP in camouflage blue uniforms, and local vigilantes approaching the village. Her son, Mohamed Rafique, pushed Nur Asha as well as his wife and children out the door, telling them to run to the hill. He briefly stayed behind, to pack up clothes and small valuables. Nur Asha told Amnesty International that he never made it to the hill, and the family found his body on the roadside the next day.³¹

Noyem Ullah, 35, was with his mother, wife, and children when they heard the military was surrounding and entering the village. He lived on the west side of Koe Tan Kauk, far from the hill where people fled to hide. He told his wife and children to run there, but knew his mother, Halima Khatun, would never make it, as he said she was overweight and largely immobile. He recalled:

"I could not take her to the hillside, so I tried to take her down to the riverbed... It was a struggle. I'd carry her, I'd pull her, then I'd sit when I got tired. We were going slowly, slowly. At the edge of the [next hamlet], I was [taking a break] and heard soldiers. I hid. My mom was in the courtyard of a house, and I heard gunshots."³²

He fled to a rice field without the soldiers seeing him, and remained hidden there for several hours, until the burning of Koe Tan Kauk ended. He went back to his mother's body, which he said had bullet holes in the chest and back of her shoulder. He buried her near a canal's edge, and then joined his family on the hill.³³

The same, independent source cited above for the death toll in Chein Kar Li indicated that around 37 Rohingya men, women, and children were killed in Koe Tan Kauk, either by gunshot or by being burned in a house. (See textbox on page 20, on the impact on particular groups.) Zarina Khatun, a 45-year-old woman whose son's body was found in a rice field, with bullet holes, told Amnesty International, *"There were only a couple green trees left. Everything else was burned down."*³⁴



Zarina Khatun, 45 (left), and Nabi Hussain, 50, sit for a portrait in their shelter in Kutupalong Refugee Camp, Bangladesh, 27 September 2017. After surrounding their village of Koe Tan Kauk, the Myanmar military opened fire on people as they fled, killing their 23-year-old son, Rashi.
© Andrew Stanbridge / Amnesty International

³⁰ The Rohingya population refers to Koe Tan Kauk by the name Dhunse Para.

³¹ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 September 2017.

³² Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 September 2017.

³³ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 September 2017.

³⁴ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 September 2017.

As in Chein Kar Li, fire data from remote sensing detected one or more large fires in the area of Koe Tan Kauk on 28 August, corroborating witness accounts.

Six of the Rohingya from Chein Kar Li and Koe Tan Kauk independently described seeing a patch on the Myanmar Army uniforms that they said looked like a flower and star together. They also drew images that were strikingly similar. An Amnesty International delegate then showed pictures of different units' patches to the interviewees; each of those shown the images chose the patch associated with Western Command, ruling out all others, including the Eastern Command patch that also looks like a flower. As detailed in the text box on page 41, the Western Command patch was repeatedly described or identified as on the uniform of soldiers involved in attacks where large-scale killings and systematic burning occurred.

CHUT PYIN

Myanmar authorities reported that the "Chopyin outpost in Region-11" was attacked on 26 August "with homemade bombs," but the attack was "repulsed by security personnel," with no reported casualties.³⁵ Amnesty International believes, based on consulting people in northern Rakhine State as well as a review of all villages in that region, that Chopyin is another spelling for Chut Pyin, a village in the north-western corner of Rathedaung Township, near where Buthidaung, Maungdaw, and Rathedaung Townships intersect.

During the afternoon of 27 August, the Myanmar military, joined by BGP and local vigilantes who lived nearby, surrounded Chut Pyin, opened fire on those fleeing, and then systematically burned Rohingya houses and buildings. The pattern was similar to that in Chein Kar Li and Koe Tan Kauk, but the scale of killings in Chut Pyin appears to have been even larger, with at least scores killed.

Amnesty International interviewed 17 Rohingya residents of Chut Pyin. Three of those interviews were carried out by phone in the days immediately following the military's destruction of the village, with Rohingya who had fled Chut Pyin and were being sheltered in a nearby village. The rest of the interviews were conducted in Bangladesh, in several different refugee camps as well as in Cox's Bazaar District Sadar Hospital. Over time and across location, the accounts of what happened were highly consistent.

Many of the Rohingya interviewed from Chut Pyin said the Myanmar security forces had made their lives increasingly difficult in the month before the 25 August attacks. There had long been a police outpost located between the Rakhine and Rohingya parts of Chut Pyin, but, in early August, a military contingent arrived as well, sharing space in the police camp and also sleeping in a school in the village tract.³⁶ They said that the soldiers and BGP came and stole chickens, cows, and valuables from the Rohingya in the village. The military also called Rohingya community elders together and, according to two people present during these meetings, would tell them that there were "bad people" in the community, and that, if the Rohingya residents did not hand those people over, "you will pay the consequences."³⁷ The security forces instituted a curfew and ordered the Rohingya residents not to move around outside in groups, including to go to the mosque or madrassa; they said anyone violating those orders would be shot.³⁸

After the nearby fighting on 26 August, the tension in the village increased further. Five Rohingya residents who lived in the part of the village closest to the police outpost and ethnic Rakhine area said that, at around 8 or 9 a.m. on 27 August, a small number of Myanmar soldiers entered the village, took some Rohingya livestock and beat a Rohingya man they came across.³⁹

Then, around 2 p.m., many more military who had been staying in the nearby school and police camp, joined by local vigilantes and BGP in camouflage blue uniforms, surrounded the village. They entered the Rohingya village from the north-eastern side, where witnesses said non-Rohingya lived.⁴⁰ Somi, 53, described what happened next, in language echoed by many other Rohingya residents: "*They came in very suddenly. They didn't say anything. And they just opened fire and set fire to houses... First they surrounded the village. Then many came inside and they opened fire as we ran. I saw it with my own eyes.*"⁴¹ He jumped in a nearby pond, where he hid for several hours until the attackers left.

³⁵ Information Committee, "Breaking News 10," 27 August 2017, <https://www.facebook.com/InformationCommittee/posts/786691611503947> (last accessed on 10 October 2017).

³⁶ Amnesty International interviews, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017. In early August 2017, the Myanmar Army sent hundreds of additional soldiers to Rakhine State following a spate of killings in the area. See Reuters, "Myanmar sends hundreds of troops to Rakhine as tension rises: sources," 11 August 2017.

³⁷ Amnesty International interviews, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017; and Kutupalong Refugee Camp, 23 September 2017.

³⁸ Amnesty International interviews, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017; and Kutupalong Refugee Camp, 23 September 2017.

³⁹ Amnesty International interviews, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017 and 29 September 2017; and phone interview, 4 September 2017.

⁴⁰ Satellite imagery from mid-September shows this north-eastern area to be the one unburned part of Chut Pyin (see p. 15).

⁴¹ Amnesty International interview, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017.

Fatima, 12, told Amnesty International that she was at home with her parents, eight siblings, and grandmother when they saw fire rising from another part of their village. As the family ran out of their house, she said men in uniform—*“they were blue and grey, with spots”*—opened fire on them from behind, about 30 metres away.⁴² She saw her father, Ahmad Hossain, get hit in the chest and leg, and fall down; then her 10-year-old sister, Rofia, was also shot and fell to the ground. About 20 metres from her house, Fatima, too, was hit by a bullet in the back of her right leg, just above the knee. *“I fell down, but my neighbour grabbed me and carried me,”* she recalled.⁴³ After a week on the run, she finally received treatment in Bangladesh. She was staying with her grandmother and four remaining siblings as, in addition to the father and sister she saw being shot and killed, her mother and older brother had also been killed during the military’s attack.

Amnesty International sent two photographs of her injury to a forensic medical expert, who responded: *“The wound would be typical of a ‘flesh wound’ caused by a bullet travelling at high speed in a straight line... It looks like the bullet would have entered the thigh from behind, travelled through the dermis and exited toward the knee”*⁴⁴—matching Fatima’s description of being shot from behind while running away.⁴⁵



Fatima, 12, stands outside her shelter in Kutupalong Refugee Camp, showing a scar from a gunshot wound she received a month earlier, when Myanmar Army soldiers surrounded her village of Chut Pyin and opened fire on those fleeing, Bangladesh, 29 September 2017. © Andrew Stanbridge / Amnesty International

Amnesty International interviewed five other people from Chut Pyin with gunshot wounds. Jarina Khatum, 60, had a gunshot wound in her upper right thigh. She said that she was part of a group of people that came across soldiers blocking a road, as she was trying to run away from the burning village; several people around her were killed by the gunfire that injured her.⁴⁶ Hasina Begum, 16, was shot in the left foot by men in *“dark leaf colour”* uniforms as she was running out of the house, after seeing nearby homes on fire.⁴⁷ *“I was in so much pain,”* she recalled. *“Somehow my mother dragged me to a rice field nearby, [where we hid]... The bullet stayed inside my foot. A doctor took it out here [in Bangladesh]. I still can’t even stand.”*⁴⁸

⁴² Amnesty International interview, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017. The description of camouflage blue-grey uniforms is consistent with the Border Guard Police.

⁴³ Amnesty International interview, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017.

⁴⁴ Amnesty International email correspondence, 4 October 2017.

⁴⁵ Amnesty International interview, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017.

⁴⁶ Amnesty International interview, Cox’s Bazaar District Sadar Hospital, Bangladesh, 15 September 2017.

⁴⁷ Amnesty International interview, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017. The uniform description would fit that of the Myanmar Army.

⁴⁸ Amnesty International interview, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017.

Abdul Karim, 19, likewise fled when he heard the sound of gunfire and saw smoke rising. His house was in the village's centre, which made it hard to escape. As he approached a pond, he felt a searing pain in his shoulder and lower leg, the latter of which would later be amputated just below the knee by doctors in Bangladesh, as a result a gunshot wound that went untreated for the next week.⁴⁹ Abdul Karim's brother, Osiur Rahman, 24, lived in a separate house with his wife and newborn daughter and had hid within vegetation at the attack's outset. After the soldiers left the burning village at around 7 p.m., he and another brother went looking for members of their family. They found their father, Nabi Hossain, and brother-in-law, Mohamed Taher, shot dead on a road, near their respective houses. Then they found Abdul Karim:

"There's a tree near a pond. His head was leaned against it. He was lying down, a bit unconscious. There was blood all down his leg. The bullet had gone through just above his ankle, and then there was another bullet wound in his shoulder. You could see the entry and exit [wounds]... We took him and carried him to [Ah Tet Nan Yar, a village] to the south, and then on to here."⁵⁰

All 17 people from Chut Pyin described seeing the soldiers, BGP, and local vigilantes deliberately burn large parts of the Rohingya village during the afternoon, using petrol cans and matchsticks for shorter houses and those with corrugated roofs; and, for taller houses that were harder to reach, something shot from a shoulder-fired grenade launcher. They said the non-Rohingya areas of Chut Pyin were left intact. Satellite imagery supports the witness accounts, showing the complete burning of lower-quality structures that are consistent with what Rohingya villages look like across the region, and untouched areas defined by higher-quality and more orderly construction, consistent with non-Rohingya areas. This pattern of targeted burning is described in more detail in Chapter 4.

On 16 September 2017, imagery shows Chut Pyin has been razed. An area with more organized thatch and metal roof structures is intact.



Coordinates: 20.5701, 92.6426° © 2017 DigitalGlobe, Inc. Source: © 2017 Google

⁴⁹ Amnesty International interview, Thaing Khali Refugee Camp, Bangladesh, 29 September 2017.

⁵⁰ Amnesty International interview, Thaing Khali Refugee Camp, Bangladesh, 29 September 2017.



Coordinates: 20.5701, 92.6426° © 2017 DigitalGlobe

Shara Jahan, 40, told Amnesty International that she was at home with her husband and several sons when they saw houses nearby start to burn. The men ran out, but she stayed behind, yelling for her younger children. Her husband, Shabi Ullah, 60, and one of her sons, Ozullah, 20, were shot and killed.⁵¹ She described what then happened to her:

"The roof started burning. Pieces of it fell down, and I was burned. The clothes I was wearing were also burned... I escaped. No one was there to save me. I was there [in the burning house] for very little time. I had this fire on my entire body, on my clothes. I was rolling, rolling toward the rice field. [When I got there], that's when the fire was put out. I rolled in the little water there in the rice field.

I lay in the rice field, until sunset, when we went to [Ah Tet Nan Yar]. They gave us food. Then we walked [for several days] to the boat point and came to Bangladesh. They took me in a vehicle to a clinic for treatment. I was there for 10 days, maybe more.

*We lost our children, we lost our husbands. It is very hard.*⁵²

Amnesty International shared a photograph of Shara Jahan with a forensic medical expert, who wrote that her appearance was consistent with the description of serious burn injuries. In particular, he wrote that her skin discoloration "can be seen at one month out in deep 2nd or 3rd degree burns. Essentially the pigment producing cells were damaged and the healing produced a bleached pattern to the skin... Generally referred to as post-inflammatory hypopigmentation of the skin, it can be seen in scar tissue after burns."⁵³

Like Fatima, Osiur Rahman, and Shara Jahan, other Chut Pyin residents repeatedly described surviving by fleeing to and hiding in rice fields, ponds, or the village's adjacent hill. Juruka, 40, lived on the north side of the Rohingya part of the village. She saw Myanmar soldiers and BGP marching into the village via the main road and fled, along with many others, including young children, from surrounding houses. The military opened fire on them from behind, killing several, but Juruka made it to a rice field.⁵⁴

Mohamed Siddiq, 55, had been at the mosque for prayer when he heard people yelling that the military had entered; he told Amnesty International that the soldiers and BGP moved systematically through the village from north to south. He hid near a house by the mosque, until he saw the burning of structures get closer and closer. He ran to and jumped in a pond, staying mostly submerged except for his mouth. "I could not see [from there], but I could hear the gunshots for hours," he recalled. "After sunset, I was able to leave [the

⁵¹ Amnesty International interview, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017.

⁵² Amnesty International interview, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017.

⁵³ Amnesty International email correspondence, 4 October 2017.

⁵⁴ Amnesty International interview, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017.

pond]. I heard someone yell from the south side of the village that the military was gone and people could come out. I thought I was alone in the pond, but then I saw there were others.”⁵⁵

When he left the pond, Mohamed Siddiq saw six bodies, all of men, lying scattered in a nearby rice field. He learned from neighbours that his 22-year-old daughter-in-law, Rozina Begum; her month-old daughter, who hadn't yet been given a name; and his 16-year-old son, Zeabul, had all been killed.⁵⁶ Almost all of the 17 Chut Pyin residents interviewed by Amnesty International had lost a family member; many lost more.

As in Chein Kar Li and Koe Tan Kauk, three Chut Pyin residents said they had seen a patch on the soldiers' uniforms that they described as looking like a flower and a star, suggesting the involvement of soldiers from Western Command in the attack. Several other witnesses, however, recalled seeing only the standard Army patch that features two bladed weapons crossed over a helmet.

Somi, who hid in a pond during the attack, had a daughter, two brothers, and two sons-in-law who were killed.⁵⁷ After the military left the evening of 27 August, he went to the hill nearby, where he slept that night. The following morning, he said that he and other men spotted from the hill that the military wasn't in the Rohingya part of the village, so they took the opportunity to go down and check for survivors:

“We went to see if anyone was still alive... I saw bodies—men, women, and children. We also found some people [who were still] alive. We carried them out, many were seriously injured with [gunshot wounds].

Then the military saw us [from their post nearby] and opened fire. We had to run away. We couldn't take more [wounded]... I took a child who was on the ground by his mother's breast. She was dead, but the baby was still alive.”⁵⁸



Shara Jahan, 40, sits for a portrait near her shelter in Kufupalong Refugee Camp, 29 September 2017. She suffered serious burn wounds when the Myanmar military surrounded and torched her village of Chut Pyin. Her roof caught fire with her still inside. © Andrew Stanbridge / Amnesty International

⁵⁵ Amnesty International interview, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017.

⁵⁶ Amnesty International interview, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017.

⁵⁷ Amnesty International phone interview, Ah Tet Nan Yar, Myanmar, 4 September 2017; and interview, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017.

⁵⁸ Amnesty International interview, Thaing Khali Refugee Camp, Bangladesh, 26 September 2017.



Abdul Karim, 19, lies down in his shelter in Kutupalong Refugee Camp, with his brother, Osiur Rahman, 24, sitting behind him, Bangladesh, 29 September 2017. Abdul Karim's leg was amputated just below the knee, as a result of a gunshot wound he suffered when the Myanmar military opened fire on men, women, and children in the village of Chut Pyin. © Andrew Stanbridge / Amnesty International

THE RIGHT TO LIFE, THE CRIME OF MURDER

The right to life is enshrined in Article 3 of the Universal Declaration of Human Rights, which reflects a rule of customary international law binding on all nations. It is also provided, among other treaties, in the Convention on the Rights of the Child⁵⁹ and the Convention on the Rights of Persons with Disabilities,⁶⁰ to which Myanmar is a state party. The killings described in this section all violate the right to life.

The prohibition of the arbitrary deprivation of life is formulated in international criminal law, among other forms, as the crime against humanity of “murder,” which involves knowingly killing as part of a widespread or systematic attack on a civilian population.⁶¹ The victims described here belong to a civilian population, so the killings fall under the definition of “murder” as a crime against humanity under international law.

INN DIN

In the pre-dawn hours of 25 August, ARSA also attacked police outposts in Tha Win Chaung and Thin Baw Kwea, villages located directly to the south and north, respectively, of the ethnically mixed village of Inn Din.⁶² Amnesty International interviewed seven Rohingya residents of Inn Din, which is located in the far south of Maungdaw Township.⁶³ In response to the ARSA attacks, Myanmar soldiers, working with BGP and local vigilantes, committed a similar pattern of violations over the course of several days.

After hearing gunfire in the middle of the night, the Rohingya residents interviewed by Amnesty International

⁵⁹ UN Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of 20 November 1989, entered into force 2 September 1990, Article 6.

⁶⁰ Adopted by the General Assembly resolution 61/106 on 13 December 2006, entered into force 3 May 2008.

⁶¹ Rome Statute, Article 7(1)(a); International Criminal Court, Elements of Crimes, UN Doc. PCNICC/2000/1/Add.2 (2000), Article 7(1)(a).

⁶² Myanmar's Information Committee reported that the police outpost in Thin Baw Kwea was attacked at 3:45 a.m., with one attacker killed. It indicated that the outpost in Tha Win Chaung was attacked at 4:50 a.m. Information Committee, “Breaking News 2,” 25 August 2017, <https://www.facebook.com/InformationCommittee/posts/785202504986191> (last accessed on 10 October 2017). Inn Din has a NaTaLa village, explained in more detail below in footnote 12b.

⁶³ Inn Din has the same name in Rohingya, though is pronounced and sometimes spelled as An Din.

described soldiers and BGP entering the village late on the morning of 25 August. Several interviewees said they saw these forces loot an aid organization's clinic and feeding centre in the village, carrying away the materials in vehicles marked "police" on the side. They said the security forces also looted Rohingya shops in a nearby market and set fire to a small number of houses and buildings in one corner of the village.⁶⁴

Several days later, the military, BGP, and local vigilantes returned from the southern side of Inn Din and surrounded much of the village. They began systematically burning the remaining Rohingya areas, which Amnesty International corroborated through satellite data that detected large fires in the area on or around 28 August, as well as satellite imagery that shows that only certain parts of the village—those inhabited by the Rohingya—were burned (see Chapter 4). As people ran away, the soldiers and BGP opened fire.

Jamil, a 52-year-old farmer and small trader, said his cousin Zafor Hossain was hit by a bullet in his side as the two men attempted to run to a nearby hill. Jamil went back down to the village late that night, after the military had left, and found Zafor Hossain, near the bodies of three other Rohingya, in the spot where he was shot. Jamil said he buried his cousin in a graveyard on the edge of the village, before going back to the hill.⁶⁵

Hashi Mullah, 40, lived in one corner of the village. As the military and other forces entered, he sent his wife and children to the nearby hill for safety, but stayed home with his mother, Rashida Begum, who was in her 60s and physically unable to flee. *"She was weak and couldn't come out,"* he told Amnesty International. *"I couldn't carry her with me."*⁶⁶ When soldiers got close to the area near his house, Hashi Mullah hid in dense vegetation nearby. From there, he watched as the soldiers set fire to his house, with his mother inside. He remained hidden in the bushes for several more hours, until the military left and he was able to join his family on the nearby hill.⁶⁷

Several Inn Din residents said that, in general, the Myanmar military appeared to target Rohingya men in particular. Mabilia Khatum, in her 50s, saw the soldiers and local militants surround the village, but did not want to leave her husband, Hasu Ali, who was unable to walk. She recalled:

*"It was chaos when the military surrounded the houses. [My husband] was a bit crippled... One of my sons had fled but came back and asked him, 'Can I carry you?' That was when the soldiers came. They took both of them and [shot and] killed them. They died right by us... We were traumatized. We came out of the house and went to the hill. No one was able to sleep that night."*⁶⁸

Amnesty International was not able to determine the scale of killings in Inn Din. The seven Rohingya residents interviewed in total identified five family members who had been killed; several, including Jamil, had, in the course of burying their loved ones, also recognized the bodies of other Inn Din residents.

As in Chein Kar Li and Koe Tan Kauk, several Rohingya interviewees from Inn Din said the soldiers who attacked their village wore dark green military uniforms with a patch on one arm that looked like a flower and star, which would fit a commonly given description of the Western Command patch. They also identified the BGP by the distinct camouflage blue uniforms they wear.

⁶⁴ Amnesty International interviews, Thaing Kali Refugee Camp, Bangladesh, 24 September 2017.

⁶⁵ Amnesty International interview, Thaing Kali Refugee Camp, Bangladesh, 24 September 2017.

⁶⁶ Amnesty International interview, Thaing Kali Refugee Camp, Bangladesh, 24 September 2017.

⁶⁷ Amnesty International interview, Thaing Kali Refugee Camp, Bangladesh, 24 September 2017.

⁶⁸ Amnesty International interview, Thaing Kali Refugee Camp, Bangladesh, 24 September 2017.

SPECIFIC IMPACT ON THE ELDERLY AND ON PERSONS WITH DISABILITIES

In the course of its scorched-earth campaign, the Myanmar security forces have unlawfully killed Rohingya men, women, and children, often while they were running away. The impact on the elderly and people with disabilities has been particularly severe, as they often had a more difficult time fleeing as their villages were surrounded and set on fire.

Mohamed Zubair, whose 90-year-old grandmother was burned to death in the family's house in Chein Kar Li, as described above, told Amnesty International: "Those who were about to flee, fled. But those who were older, [who were] weak, they could not escape."⁶⁹



Sona Mia, 77, sits for a portrait in Kutupalong Refugee Camp, 27 September 2017. His daughter, Rayna Khatun, was burned to death inside a home in Koe Tan Kauk village. She had a disability that left her unable to walk, and, as the family fled in haste from the Myanmar military's attack, she was left behind.
© Andrew Stanbridge / Amnesty International

Sona Mia, 77, likewise said, "Those who were young and strong were able to run out and survive. We struggled, others of us."⁷⁰ He was at home in Koe Tan Kauk when Myanmar soldiers surrounded the village and opened fire on the morning of 27 or 28 August. He said his 20-year-old daughter, Rayna Khatun, had a disability that left her unable to walk or speak. One of his sons put her on his shoulders, and the family slowly made its way toward the hill on the village's edge. As they heard the shooting get closer and closer, they decided they had to leave Rayna in a Rohingya house that had been abandoned.

"We didn't think we'd be able to make it," Sona Mia recalled. "I told her to sit there, we'd come back... After arriving on the hill, we spotted the house where we left her. It was a bit away, but we could see. The soldiers were burning [houses], and eventually we saw that house, it was burned too."⁷¹ After the military left the village in the late afternoon, Sona Mia's sons went down and found Rayna Khatun's burnt body among the torched house. They dug a grave at the edge of that house's courtyard, and buried her there.⁷²

Several witnesses described the killing in Chut Pyin of a 30-year-old man, named Osman, with a physical disability. Juruka, 40, was running with a crowd that included him. "He can walk, but only very slowly. He's been like that since birth," she said. "He fell behind, and they shot him. The bullet went into his temple. I saw [part of his] brain come out."⁷³

The deliberate killing of the elderly and of persons with disability, as with the killing of young children during the Min Gyi massacre, discussed below, demonstrates that the military's campaign has been far from a "clearance operation" in the sense of being designed to root out ARSA members. Instead, it has been an attack on the Rohingya population as a whole, with the seeming objective to "cleanse" Rakhine State of that entire population.

MIN GYI

Amnesty International interviewed 10 people from Min Gyi village in Maungdaw Township, referred to as Tula Toli by the Rohingya population. Both *The Guardian* and Human Rights Watch have previously published detailed accounts of the Myanmar military's crimes there, including a massacre and targeted sexual violence. Based on interviews with Rohingya victims and witnesses different from those named in the prior reports, Amnesty International's research further corroborates what appears to be one of the worst atrocities of the Army's ethnic cleansing campaign.⁷⁴

Myanmar authorities have alleged that ARSA attacked an outpost in Net Chaung, a village near Min Gyi, at around 3:35 a.m. on 25 August.⁷⁵ They further allege that on 26 August ARSA destroyed a deserted police outpost in Wet Kyein, across the river from Min Gyi, and that fighting continued nearby through 29 August.⁷⁶

At least five Rohingya from Min Gyi told Amnesty International that, around 27 or 28 August, the local village chairman, who is an ethnic Rakhine, came to the Rohingya part of the village, called everyone together, and told them not to leave for Bangladesh. They said the chairman told them that while the military had burned surrounding villages and he couldn't stop soldiers from doing the same in Min Gyi, no one would be killed and their homes could be rebuilt. The chairman reportedly said that, if soldiers came, the Rohingya population should go down to the river, where they would be safe.⁷⁷

On 29 August, several Rohingya from Min Gyi said they saw smoke rising from a nearby village.⁷⁸ Mohamed, 46, said he sent his two youngest children that night to another village across the river. "I was expecting the military to come," he told Amnesty International. "But not what happened."⁷⁹

At least dozens of soldiers then arrived on foot the morning of 30 August. Many Rohingya residents fled to the banks of the river; some cited the chairman's instructions, while others said they would have gone there anyway, believing they would be able to stay out of the military's way.⁸⁰ Instead, the soldiers pursued them.

Rohingya witnesses described soldiers wearing dark green uniforms and carrying long guns. Shafiqur Rahman, 29, said the guns were "part iron, part wood" and the soldiers' uniforms had a patch on the arm with what looked like a flower or star, a description consistent with the Western Command patch.⁸¹ Several other Rohingya from Min Gyi similarly described to Amnesty International the patch on soldiers' uniforms.

At the riverbank, the soldiers encircled the hundreds of Rohingya men, women, and children who assembled there. C.B., a 15-year-old girl, told Amnesty International that, under the soldiers' instruction, everyone was forced to crouch down, facing forward; she said the soldiers then took many of the women and young children to a nearby ditch, where the water went up to her knees.⁸² Every other Rohingya interviewed similarly described the at least partial separation of men and older boys from women and younger children, and of being forced to crouch or lie down with their heads bowed forward.

Soon after the Rohingya were separated by sex, the soldiers opened fire, executing primarily the men and older boys, though also hitting some women and younger children. Several survivors said some people were also killed with knives, used to slash victims across the throat.⁸³ O.B., 20, was one of the women separated out. She told Amnesty International, "I saw when they shot the men. I heard the gunshots. We saw the

⁷⁴ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 September 2017.

⁷⁵ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 September 2017.

⁷⁶ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 September 2017.

⁷⁷ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 September 2017.

⁷⁸ Amnesty International interview, Thaing Kali Refugee Camp, Bangladesh, 26 September 2017.

⁷⁹ Oliver Holmes, "Massacre at Tula Toli: Rohingya recall horror of Myanmar army attack," *The Guardian*, 7 September 2017; Human Rights Watch, "Witness to Carnage in Burma's Rakhine State," 22 September 2017; Peter Bouckaert, "The Burmese military is committing crimes against humanity," *Washington Post*, 27 September 2017.

⁸⁰ Information Committee, "Breaking News 2," 25 August 2017, <https://www.facebook.com/InformationCommittee/posts/785202504986191> (accessed on 10 October 2017).

⁸¹ Information Committee, "Breaking News 8," 26 August 2017, <https://www.facebook.com/InformationCommittee/posts/786222098217565> (describing 26 August attack); Information Committee, "Breaking News 12," 29 August 2017, <https://www.facebook.com/InformationCommittee/posts/787636841409424> (describing militants setting off a "handmade mine" near Wet Kyein that day) (both accessed on 10 October 2017).

⁸² Amnesty International interviews, outside Kutupalong Refugee Camp, Bangladesh, 11 September 2017; Balu Khali Refugee Camp, Bangladesh, 23 September 2017; and Kutupalong Refugee Camp, Bangladesh, 26 September 2017.

⁸³ Amnesty International interviews, outside Kutupalong Refugee Camp, Bangladesh, 11 September 2017; and Balu Khali Refugee Camp, Bangladesh, 23 September 2017.

⁸⁴ Amnesty International interviews, Balu Khali Refugee Camp, Bangladesh, 23 September 2017.

⁸⁵ Amnesty International interviews, Balu Khali Refugee Camp, Bangladesh, 23 September 2017; Kutupalong Refugee Camp, Bangladesh, 26 September 2017.

⁸⁶ Amnesty International interview, Balu Khali Refugee Camp, Bangladesh, 23 September 2017.

⁸⁷ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 26 September 2017. For survivors of sexual violence, Amnesty International has throughout this report used initials that do not reflect the survivors' real names or initials.

⁸⁸ Amnesty International interviews, outside Kutupalong Refugee Camp, Bangladesh, 11 September 2017; Balu Khali Refugee Camp, Bangladesh, 23 September 2017.

people dying. They were shooting for a long time.”⁸⁴ S.K., 30, said likewise, “The men were shot dead. They separated us and targeted the men and shot them. Some women and children were also shot.”⁸⁵ Each woman had relatives who were killed, either at the riverbank or in houses that were burned after soldiers took groups of women and perpetrated rape and other forms of sexual violence (see Chapter 3).

Mohamed Suleiman, a 40-year-old mullah, broke down crying as he counted off six people in his family who were killed: his wife, Lila Begum, 35; his daughter Nur, 16; his son Saifula, 11; his daughter Thawida Begum, 9; his daughter Hansa, 5; and his son Zahidur Rahman, 3.⁸⁶ He, along with three other men and one 14-year-old girl interviewed by Amnesty International, said they had been in the back of the group, near the river, which allowed them to survive by jumping in and swimming across to the village of Wet Kyein; they said it was only about a five-minute swim, but the water’s depth and current meant some people drowned.⁸⁷

When Nurul Amin, 47, heard gunshots, he likewise jumped in the river, swimming to a well-vegetated area nearby. “I was hiding but kept looking, because I left my family behind,” he told Amnesty International. “I was in the jungle, but my heart was in the village... I could see the bodies falling as they were being shot.”⁸⁸ He was later told by a niece, one of the many women and girls raped by soldiers, that his wife and seven children, who ranged from 2 to 17 years old, had all been killed. “My world is finished,” he said.⁸⁹

Amnesty International believes, based on consistent, corroborating witness accounts, that soldiers massacred at least scores of Rohingya women, men, and children from Min Gyi on 30 August.⁹⁰ *The Guardian* and Human Rights Watch have independently reached the same conclusion.⁹¹ Several people who swam to Wet Kyein said that, from across the river that afternoon, they could see soldiers burning bodies.⁹²

⁸⁴ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 26 September 2017.

⁸⁵ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 26 September 2017.

⁸⁶ Amnesty International interview, Balu Khali Refugee Camp, Bangladesh, 23 September 2017.

⁸⁷ Amnesty International interviews, Balu Khali Refugee Camp, Bangladesh, 23 September 2017. See also Oliver Holmes, “Massacre at Tula Toli: Rohingya recall horror of Myanmar army attack,” *The Guardian*, 7 September 2017.

⁸⁸ Amnesty International interview, outside Kutupalong Refugee Camp, Bangladesh, 11 September 2017.

⁸⁹ Amnesty International interview, outside Kutupalong Refugee Camp, Bangladesh, 11 September 2017.

⁹⁰ Amnesty International has geolocated a video, posted to social media on August 30, showing dozens of people with their belongings crossing a river in San Kar Pin Yin, 2.5km south of Min Gyi. This corroborates the date that Rohingya witnesses consistently described having fled as a result of the military’s attack on the population there.

⁹¹ Oliver Holmes, “Massacre at Tula Toli: Rohingya recall horror of Myanmar army attack,” *The Guardian*, 7 September 2017; Peter Bouckaert, “The Burmese military is committing crimes against humanity,” *Washington Post*, 27 September 2017.

⁹² Amnesty International interviews, Balu Khali Refugee Camp, Bangladesh, 23 September 2017; and interview, Kutupalong Refugee Camp, 26 September 2017. See also Human Rights Watch, “Witness to Carnage in Burma’s Rakhine State,” 22 September 2017; Oliver Holmes, “Massacre at Tula Toli: Rohingya recall horror of Myanmar army attack,” *The Guardian*, 7 September 2017.

3. RAPE AND OTHER FORMS OF SEXUAL VIOLENCE

“They first hit us in the head, to make us weak... Then they raped us.”

S.K., 30, who was one of five women who Myanmar soldiers raped in a house in Min Gyi, before setting the house on fire.

Amnesty International interviewed seven survivors of sexual violence—six women and one girl—perpetrated by the Myanmar military. Of those, four women and a 15-year-old girl had been raped. The rapes occurred in two villages that the organisation investigated. Soldiers had raped each woman in rooms with between two and five other women and girls, totalling 18 documented rape cases through direct accounts. The sexual violence in August and September 2017 fits a pattern of soldiers targeting Rohingya women and girls in northern Rakhine State, including during the military’s “clearance operations” in late 2016.⁹³

The scale of sexual violence since 25 August remains unknown. Sexual violence is almost always under-reported; fear, stigma, or cultural attitudes that blame women and girls for the sexual violence they experience often means that survivors do not seek help, even when they require urgent medical attention. Among the refugee population in Bangladesh, this is compounded by the overcrowding of clinics and hospitals, which makes privacy difficult, and by the many other acute needs that exist.⁹⁴ One humanitarian organization in Bangladesh reported that, between 25 August and 12 September, its teams in Bangladesh treated 16 survivors of sexual and gender-based violence.⁹⁵ Other NGO-run clinics as well as government-run hospitals in Bangladesh have treated additional cases.⁹⁶

As detailed above, after many Rohingya residents of Min Gyi fled to the riverbank, members of the Myanmar military separated women, girls, and young boys from men and older boys. The soldiers proceeded to open fire on and kill at least scores of men and older boys, along with some women and girls who remained mixed in with them. S.K., 30, said she and many other women and younger children were taken to a ditch, where they were forced to stand in knee-deep water:

“From there, they took the women in groups to different houses. I was taken to a Rohingya house. There were five of us [women], taken by four soldiers [in military uniform]. They took our money,

⁹³ Amnesty International, “We Are at Breaking Point”: Rohingya: Persecuted in Myanmar, Neglected in Bangladesh (Index: ASA 16/5362/2016), 19 December 2016; United Nations Office of the High Commissioner for Human Rights, Flash report: Report of OHCHR mission to Bangladesh Interviews with Rohingyas fleeing from Myanmar since 9 October 2016, 3 February 2017.

⁹⁴ Amnesty International interviews, outside Thaing Kali Refugee Camp, Bangladesh, 24 September 2017.

⁹⁵ MSF, “Ongoing military operations in Rakhine State have resulted in more than 400,000 people fleeing to Bangladesh.”

⁹⁶ Amnesty International interviews with medical professionals and refugees, Cox’s Bazaar District, Bangladesh, September 2017.

our possessions, and then they beat us with a wooden stick. My children were with me. They hit them too. Shafi, my two-year-old son, he was hit hard with a wooden stick. One hit, and he was dead... Three of my children were killed. Mohamed Osman (10) [and] Mohamed Saddiq (5) too. Other women [in the house] also had children [with them] that were killed.

All of the women were stripped naked. I had hid money [in my clothes], and they took it... They had very strong wooden sticks. They first hit us in the head, to make us weak. Then they hit us [in the vagina] with the wooden sticks. Then they raped us. A different soldier for each [woman].⁹⁷

S.K. said the soldiers then left and closed the door. They set fire to the house, with the women and children who remained alive still inside. S.K. said she didn't see them set the fire, but heard a loud "boom" noise, then saw the house start to burn. Her 7-year-old daughter, Rozia, who had survived the soldiers' beatings, found a weak point in the house's bamboo siding, and S.K. followed her. "I was burned all over," she told Amnesty International. "The flame was so hot. When I ran, the fire was still on me. The clothes we wore, they were all burned."⁹⁸ She said it was around dusk when they escaped; they saw soldiers standing in the distance, and fled unseen to a rice field. She made it with Rozia to Bangladesh partially on foot, and partially by being carried by two Rohingya men making the same forced journey.⁹⁹ Four weeks later, S.K. still had bandages wrapped tightly around most of her head, on one hand, and on both feet and lower legs. She pulled up the bandages on one of her legs, exposing bright pink marks consistent with healing burn wounds.

O.B., 20, also from Min Gyi, said that while she was being held in the ditch, soldiers marched off two of her sisters. She has not seen them since. O.B. was then taken with five other women and their children to an abandoned house in the Rohingya part of the village. She said that one soldier raped her, and she saw different soldiers rape a girl and three other women with whom she was held; an elderly woman in the group was the only one not raped. "The soldiers were talking to each other, but I could not understand," she told Amnesty International. "After we were raped, we were beaten with wooden sticks."¹⁰⁰

As with S.K., O.B. said the soldiers then closed the door and set fire to the house:

"From one corner, they set the fire. I looked around and in the other corner, I saw there was some weak fencing in the bamboo. I pushed through. The soldiers were still out there, but a bit away. I went to the hillside. I spent a night on the hill, alone. Then in the morning I came across four other women from [Min Gyi] who had survived. We followed a large group here [to Bangladesh]."¹⁰¹

C.B., 15, said soldiers took her along with her mother and 10-year-old sister to another house in Min Gyi. The soldiers first demanded any gold and money they had on them; after she denied hiding anything, soldiers ripped off her clothes and searched her body. C.B. said "the good-looking [women and girls], the healthy ones" were then raped.¹⁰² The women and girls were beaten over and over with wooden sticks, as the soldiers left and returned several times: "They turned on the light, and if anyone moved, they'd beat her again."¹⁰³ As with the other women, she said the soldiers then set fire to the house:

"I was in and out of consciousness, but I was looking outside, and saw [them set the fire]. They used matchsticks and dried hay. I saw it with my own eyes... The roof was falling down – pieces of the roof. A few of us were able to push out of the bamboo [exterior]. [But] my mother and sister were not able to move. They had been beaten so much they were weak. They died that day...

After coming out, there was an outside bathroom. We were there for some time [using the water on burns]. Then we went to the foot of the nearby hill and stayed. When daylight came, some of the houses were not burned down, the Rohingya houses. The soldiers went and set fire to them."¹⁰⁴

Each of the three rape survivors from Min Gyi spent significant time in a clinic in Bangladesh, and had bandaging and wounds that matched their description of burn injuries. The women's accounts are consistent with separate accounts reported by Human Rights Watch and by media outlets, including Al-

⁹⁷ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 26 September 2017.

⁹⁸ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 26 September 2017.

⁹⁹ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 26 September 2017.

¹⁰⁰ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 26 September 2017.

¹⁰¹ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 26 September 2017.

¹⁰² Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 26 September 2017.

¹⁰³ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 26 September 2017.

¹⁰⁴ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 26 September 2017.

Jazeera.¹⁰⁵ They are also consistent with the accounts of other witnesses from Min Gyi interviewed by Amnesty International. Four men who jumped into the river when soldiers opened fire and swam across to the other side each described having a vantage point from which they could see soldiers taking women in groups toward houses; they later saw flames and smoke rising from the Rohingya part of the village.¹⁰⁶ Satellite images suggests it would be possible for people to observe events in Min Gyi from across the river. They also confirm that the Rohingya areas of Min Gyi were completely burned, as detailed in Chapter 4.

Amnesty International also documented three cases of rape in Kyun Pauk, a village in Buthidaung Township. Whereas the Myanmar military's assault on Min Gyi occurred in the days immediately after ARSA's 25 August attacks, the sexual violence in Kyun Pauk occurred in mid-September, after the 5 September date that State Counsellor Aung San Suu Kyi would later say marked the end of the "clearance operations."¹⁰⁷

M.L., 55, told Amnesty International that, around two weeks after the Muslim holiday of Eid al-Adha, which was celebrated in northern Rakhine State on 2 September, he was at home around 10 p.m. when he heard yelling that the military was entering the village. He had heard of men in neighbouring villages being taken away, so he quickly ran out and hid in a nearby field. He broke down crying as he recalled watching soldiers and BGP enter houses, including his. After the soldiers left the village, M.L. said he returned home, where his daughter and two daughters-in-law said they had been raped; the young children and elderly women had not been touched, he said.¹⁰⁸ The next day, the family began a week-long journey to Bangladesh.

On the morning after the family finally crossed on foot into Bangladesh, Amnesty International briefly interviewed 16-year-old S.A. and 20-year-old F.K., the daughter and daughter-in-law, respectively, of M.L. Each one said that two soldiers and one BGP entered the house in Kyun Pauk that night in mid-September.¹⁰⁹ They said that they were each raped by one perpetrator, as was another of M.L.'s daughters-in-law, who is around 25 years old.¹¹⁰ They said the soldiers spoke, but they could not understand what was said, as neither S.A. nor F.K. spoke Burmese. They said they knew other women and girls in the village who had been raped, as different soldiers and BGP entered other houses. By the time they arrived in Bangladesh, S.A. and F.K. had not eaten in days.¹¹¹

A trusted contact in northern Rakhine State told Amnesty International that he had likewise received reports from Rohingya from Kyun Pauk about sexual violence that occurred there during the current crisis.¹¹²

In addition to rape, Amnesty International documented several cases of other forms of sexual violence against women, in which soldiers carried out humiliating body searches to look for and steal hidden money or valuables. Safura, 20, said the military came to her village of Nga Yant Chaung, Buthidaung Township, in mid-September; she couldn't remember the exact date, but thought she'd been walking for about seven or eight days, before crossing into Bangladesh late the night of 23 September. When interviewed the next morning, she recalled how Myanmar soldiers had gone house to house, taking everyone's valuables. She said that, in her house, the soldiers took gold and money, then searched underneath her clothes and her mother-in-law's clothes to see if they had hidden anything else of value.¹¹³ Amnesty International documented similar practices during "clearance operations" in October and November 2016.¹¹⁴

¹⁰⁵ See Peter Bouckaert, "The Burmese military is committing crimes against humanity," *Washington Post*, 27 September 2017; Al-Jazeera, "Rohingya refugees share stories of sexual violence," 29 September 2017.

¹⁰⁶ Amnesty International interviews, outside Kutupalong Refugee Camp, Bangladesh, 11 September 2017; Balu Khali Refugee Camp, Bangladesh, 23 September 2017.

¹⁰⁷ State Counsellor's speech on Government's efforts with regard to National Reconciliation and Peace, *The Global New Light of Myanmar*, 20 September 2017, p.6.

¹⁰⁸ Amnesty International interview, outside between Phalung Khali and Thaing Khali, Bangladesh, 24 September 2017.

¹⁰⁹ Amnesty International interviews, between Phalung Khali and Thaing Khali, Bangladesh, 24 September 2017.

¹¹⁰ Amnesty International interviews, between Phalung Khali and Thaing Khali, Bangladesh, 24 September 2017.

¹¹¹ Amnesty International interviews, between Phalung Khali and Thaing Khali, Bangladesh, 24 September 2017.

¹¹² Amnesty International communication, 12 October 2017.

¹¹³ Amnesty International interview, between Phalung Khali and Thaing Khali, Bangladesh, 24 September 2017.

¹¹⁴ Amnesty International, "We Are at Breaking Point": *Rohingya: Persecuted in Myanmar, Neglected in Bangladesh* (Index: ASA 16/5362/2016), 19 December 2016, pp 24-25 and 30-31.

RAPE AND OTHER CRIMES OF SEXUAL VIOLENCE UNDER INTERNATIONAL LAW

Rape is an act of gender-based violence and constitutes “discrimination,” prohibited under international human rights law, including under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Myanmar is a state party.¹¹⁵

Rape by state officials, which include soldiers and police officers, has been unequivocally defined as torture by international criminal tribunals,¹¹⁶ as well as by UN and regional human rights bodies.¹¹⁷ In specific circumstances, rape and other forms of sexual violence are also war crimes and crimes against humanity, including under the Rome Statute of the International Criminal Court.¹¹⁸

The rape and other sexual violence described here were committed by soldiers and BGP as part of a widespread and systematic attack on the Rohingya population. As the perpetrators took part in, and therefore clearly had knowledge of, the attack, these acts constitute the crimes against humanity of torture and of rape and other forms of sexual violence.

¹¹⁵ See Committee on the Elimination of Discrimination against Women, General Recommendation 19, Violence against women (Eleventh session, 1992), U.N. Doc. A/47/38 at 1 (1993), para. 1.

¹¹⁶ See, e.g., *Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-T, Judgment of 2 September 1998, para. 687; *Prosecutor v. Zejnil Delalic*, Case No. IT-96-21, ICTY Trial Chamber II, Judgment of 16 November 1998, paras. 475-496, 943, 965; *Prosecutor v. Anto Furundzija*, Case No. IT-95-17/1-T, ICTY Trial Chamber, Judgment of 10 December 1998, paras. 264-9.

¹¹⁷ See, e.g., Interim Report of the Special Rapporteur on torture to the General Assembly, UN Doc. A/55/290 (2000), para. 5; Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, UN Doc. A/HRC/7/3, 15 January 2008, paras. 34-36; *Aydin v. Turkey*, European Court of Human Rights, Reports 1997-VI (5/7/1996/676/866), Judgment of 25 September 1997, para. 86; *Fernando and Raquel Mejia v. Peru*, Inter-American Commission on Human Rights, Report No. 5/96, Case No. 10.970, 1 March 1996; para. B(3)(a); *Almonacid Arellano et al. v. Chile*, Preliminary objections, merits, reparations and costs, Inter-American Court of Human Rights, Judgment of 26 September 2006, Series C No. 154, para. 82.4.

¹¹⁸ Rome Statute, Article 7(1)(g) (on crimes against humanity); and Articles 8(2)(b)(xxii), 8(2)(c)(vi) (on war crimes).

4. BURNING OF ROHINGYA VILLAGES

“There were only a couple green trees left. Everything else was burned down.”

Zarina Khatun, a 45-year-old woman from Koe Tan Kauk village, Rathedaung Township.¹¹⁹

Since 25 August, Rohingya villages across the northern part of Rakhine State have been burned down, in what appears to be an organized, targeted, and coordinated effort by the Myanmar military to permanently drive the Rohingya population out of their homes. At the time of writing, the burning remained ongoing, more than seven weeks after the military began its campaign.

On 3 October, the UN Operational Satellite Applications Programme (UNOSAT) reported that, since 25 August, it had identified 20.7 square kilometres of destroyed structures in Maungdaw and Buthidaung Townships in areas where it had detected fires.¹²⁰ Even that “likely underestimated” the overall scale of destruction and burning, as cloud cover affected what the satellites were able to detect.¹²¹

Amnesty International’s own review of fire data from remote satellite sensing indicates at least 156 large fires in northern Rakhine State since 25 August, which is also likely to be an underestimate, due to the same cloud conditions described by UNOSAT. In the previous five years, no fires were detected during the same period, strongly indicating that the burning has been intentional.

The Myanmar authorities have frequently said the Rohingya population has burned their own homes before fleeing.¹²² Although ARSA may have burned particular Rakhine villages, an issue Amnesty International continues to investigate, the government’s explanation defies credibility. Satellite imagery and data, as well as photo and video evidence analysed by Amnesty International, show a pattern of burning that is deliberate, organized, widespread, consistent over time and across northern Rakhine State, and targeted at Rohingya homes and other structures. Witness accounts also indicate that in some instances burnings were clearly orchestrated and planned in advance by the military and local government authorities.

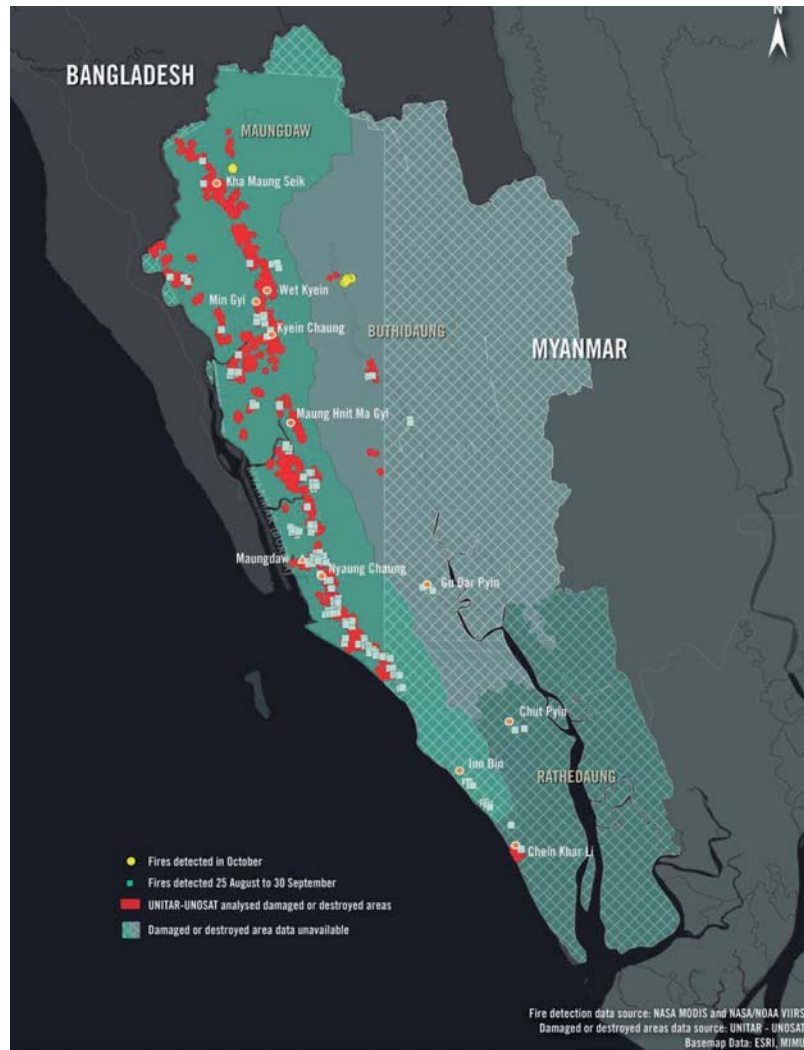
All of that points to a systematic attack on the Rohingya population, overseen and generally carried out by the Myanmar security forces, which has had the effect of both killing Rohingya women, men, and children, and forcibly transferring hundreds of thousands of Rohingya from northern Rakhine State to Bangladesh.

¹¹⁹ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 September 2017.

¹²⁰ UNITAR/UNOSAT, Myanmar: Maungdaw District / Rakhine State, 3 October 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/UNOSAT_A3_Rakhine_damage_zones_20171001_Portrait_o.pdf.

¹²¹ UNITAR/UNOSAT, Myanmar: Maungdaw District / Rakhine State, 3 October 2017.

¹²² Associated Press, “Burmese attempt to show Rohingya torched their own homes unveiled as ‘fake news’,” *The Star*, 11 September 2017.



DELIBERATE, ORGANIZED BURNING

Amnesty International has analysed satellite imagery and data from across northern Rakhine State, as well as aerial photographs of specific burned villages. Together, these demonstrate that the destruction has been deliberate and organized in a way to ensure distinct clusters of structures are all burned completely.

First, fires that have destroyed entire villages have not originated in one, initial location, and then spread, as would be expected if these were accidental fires. For example, before and after satellite images in Maung Hnit Ma Gyi, a Rohingya village to the north of Maungdaw town, show no trail demarking the fire's spread from a single point of origin. Instead, different clusters of structures have been burned, with surrounding vegetation separating the structures left intact.

Comparing imagery from 23 May 2017 to 16 September 2017, almost the entire village area of Maung Hnit Ma Gyi appears burned.



Coordinates: 20.9622°, 92.3708°. © 2017 DigitalGlobe, Inc. Source: USG, NextView Licence



Coordinates: 20.9622°, 92.3708°. © 2017 DigitalGlobe, Inc. Source: USG, NextView Licence

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Witness accounts from Maung Hnit Ma Gyi corroborate the satellite imagery evidence. Sheik Ahmad, 22, told Amnesty International that there is a police outpost several miles from the village, from which soldiers and BGP, joined by local vigilantes, came in the days just after Eid al-Adha. He said they started burning houses from one end of the Rohingya village, and worked progressively and systematically until the entire area had been set ablaze. Sheik Ahmad fled with his wife when they saw the burning approach their home. Soldiers opened fire, hitting him above the elbow on his right arm; his older brother helped him reach a fish pond, where he hid until the attackers left.¹²³

Similarly, in before and after satellite images from Wet Kyein village, Maungdaw Township, it is possible to see large areas of healthy vegetation between different groups of homes and other structures that have been completely burned down. These fires were distinct events; the perpetrators made a deliberate effort to burn down separated structures.

The village of Wet Kyein consists of many clusters of structures dispersed along the rivers and fields. On 16 September 2017, imagery shows most structures have been razed in the area. Areas were not burned between clusters of structures, suggesting the fire did not spread naturally and each cluster was lit on fire independently. Images below show the areas burned and a closer look at the burned structures.



Coordinates: 21.1347°, 92.3408°. © 2017 DigitalGlobe, Inc. Source: USG, NextView Licence



Coordinates: 21.1421°, 92.3382°. © 2017 DigitalGlobe, Inc. Source: USG, NextView Licence

¹²³ Amnesty International interview, Cox's Bazaar District Sadar Hospital, Bangladesh, 30 September 2017.



Second, satellite imagery and aerial photographs show structures that have been burned uniformly, suggesting that structures have been burned in the same manner. Witness statements further corroborate this, as discussed below. In most villages from which Amnesty International has reviewed satellite imagery, each structure has been burned such as to be consumed in its entirety.

Third, and finally, the burning often happened over days, as the perpetrators worked to ensure that every last structure in the Rohingya area was torched. Satellite imagery from Kyein Chaung, for example, shows that large areas were set on fire prior to 16 September, but that a particular stretch along the river remained untouched. By 22 September, these areas had likewise been burned down. Amnesty International interviewed several people from Kyein Chaung who described fleeing the first round of the military's burning, which they said occurred at the end of August or the start of September.¹²⁴

On 16 September 2017, imagery shows much of Kyein Chaung has been razed. A small area of unburned structures are visible in the centre of the village. Between 16 September 2017 and 22 September 2017, much of the previously unburned area was razed. Environmental sensors detected fires in the area on 15 September 2017. More recent fires were also detected on 25 September 2017.



¹²⁴ Amnesty International interviews, Cox's Bazaar District Sadar Hospital, Bangladesh, 30 September 2017; and Thaing Kali Refugee Camp, Bangladesh, 29 September 2017.



Coordinates: 21.0804°N, 92.3344°E. © 2017 DigitalGlobe, Inc. Source: USG, NextView Licence

Had the destruction been carried out by the Rohingya, who were often fleeing in haste from military attacks, one would expect far more haphazard burning. It is exceedingly unlikely, for example, that they would have had time to burn down every last structure, including those across natural fire breaks. It's also exceedingly unlikely that the burning would have occurred over separate days in the same village, or be so uniform across such a large stretch of territory. Amnesty International's research and credible media reports also indicate that burning has occurred in villages long after the Rohingya fled them.¹²⁵

TARGETED BURNING

Aerial photographs and satellite imagery also show that extremely targeted burning, affecting specific areas of certain villages while other areas remain untouched. Witness accounts from many of these villages corroborate that it is overwhelmingly the Rohingya areas that have been burned, while non-Rohingya areas are left intact.

In Inn Din and Min Gyi, for example, satellite imagery shows that while large swaths were systematically burned, other areas are undamaged. These areas display a different layout and quality of structures, including more organized thatch and metal-roof structures, which suggest they are non-Rohingya.¹²⁶ In Inn Din, a Buddhist temple is visible in the unaffected area.

¹²⁵ See, e.g., Amnesty International, "Myanmar: Video and satellite evidence shows new fires still torching Rohingya villages," 22 September 2017; Associated Press, "New Myanmar fires in empty village raise questions," 8 September 2017.

¹²⁶ Since the 1990s, the Myanmar authorities have engaged in a policy of building "model villages," often known as NaTaLa villages. These villages are apparently aimed at diversifying and developing the border area, and are inhabited by individuals and families who have been transferred from other parts of the country. They are distinctive in appearance; whereas Rohingya villages are irregular in shape and made of predominantly wooden structures, NaTaLa villages are much more ordered, with buildings often arranged in distinctive rows. Military bases and camps are similarly ordered and organized. Amnesty International observations and interviews, northern Rakhine State, 2016.

Imagery from 24 September 2017 shows most of the Inn Din villages have been completely burned to the ground. A small section of thatch and metal roof structures, along with vegetation, remains unburned. The layout and quality of the structures in the unburned area suggest that this is a non-Rohingya area, which was further corroborated by witness accounts. Fires were remotely detected in the Inn Din area by an environmental monitoring sensor on 28 August 2017.



Coordinates 20.5110°, 92.5823°. © CNES 2017, Distribution AIRBUS DS



Coordinates 20.5110°, 92.5823°. © CNES 2017, Distribution AIRBUS DS

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A closer look at Inn Din and Inn Din (East) shows the distinct line separating the burned and unburned areas. A Buddhist temple is visible in Inn Din and many of the structures appear to have metal roofs. The layout of the structures also appears to be more organized when compared to the thatch roof structures in Inn Din (East) on 27 December 2016. On 24 September 2017, none of the structures in Inn Din appear burned. All of the structures in Inn Din (East) appear razed.



Coordinates: 20.5137°, 92.5816°. © 2017 DigitalGlobe, Inc. Source: USG, NextView Licence



Coordinates: 20.5137°, 92.5816°. © 2017 DigitalGlobe, Inc. Source: USG, NextView Licence

Witnesses from Inn Din and Min Gyi consistently said that the military did not burn non-Rohingya parts of the village. In Inn Din, each of the seven residents interviewed described the non-Rohingya areas as being located to the north of the Rohingya areas, which matches the area that satellite imagery shows as untouched.¹²⁷ In Min Gyi, Rohingya residents described their houses as being near the river, while the ethnic Rakhine lived at a higher elevation, in the southwestern part of the village.¹²⁸ This, too, matches what the satellite imagery shows in terms of the targeted burning of Rohingya areas.

On 22 September 2017, imagery shows many structures in Min Gyi village have been razed. A small section of more organized thatch and metal roof structures remain unburned. The layout of the structures in the unburned area suggest that this is a non-Rohingya area, which was further corroborated by witness accounts. A fire trail is not evident between the clusters of burned structures, suggesting each cluster was set on fire independently, rather than the fire spreading naturally.



Coordinates: 21.1341°, 92.3235°. © 2017 DigitalGlobe, Inc. Source: USG, NextView Licence



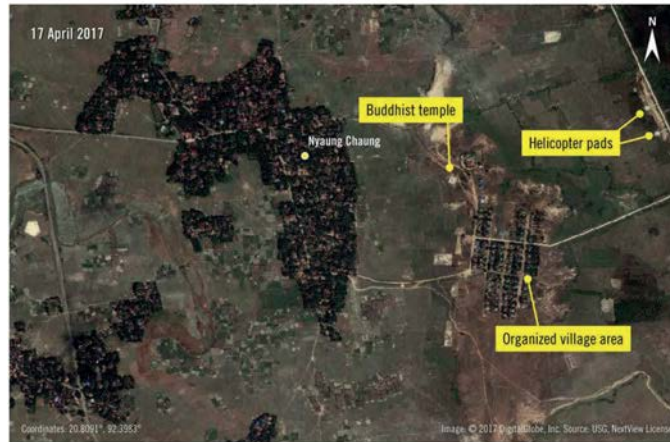
Coordinates: 21.1341°, 92.3235°. © 2017 DigitalGlobe, Inc. Source: USG, NextView Licence

¹²⁷ Amnesty International interviews, Thaing Kali Refugee Camp, Bangladesh, 24 September 2017.

¹²⁸ Amnesty International interviews, outside Kutupalong Refugee Camp, 11 September 2017; Balu Khali Refugee Camp, Bangladesh, 23 September 2017; and Kutupalong Refugee Camp, 26 September 2017. See also Oliver Holmes, "Myanmar: satellite imagery confirms Rohingya village of Tula Toli razed," *The Guardian*, 19 September 2017.

Other villages show a similar pattern of targeted burning. In Nyaung Chaung, close to Maungdaw Town, satellite imagery from 16 September and 22 September shows through cloud cover that the western part of the village has been burned down, whereas a nearby area with higher-quality construction, roads, and organized building—which also sits close to two helicopter pads—remains untouched.

Nyaung Chaung is located adjacent to a village with a more organized layout, where a Buddhist temple is visible and two helicopter pads are located, suggesting potential affiliation with the military. On 16 September 2017, cloudy imagery shows Nyaung Chaung has been razed. The presence of white ash indicates the fires likely happened recently. On 22 September 2017, parts of the organized village are visible and appear intact. Environmental sensors detected fires immediately south of Nyaung Chaung on 14 and 15 September 2017.



Coordinates: 20.8091°, 92.3983°. © 2017 DigitalGlobe, Inc. Source: USG, NextView License



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Aerial photographs from Zay Di Pyin, in Rathedaung Township, and from the area of Laung Don village tract (see below), in Maungdaw Township, likewise show areas of low-quality structures burned completely, whereas nearby areas marked by higher-quality structures and more organized planning are untouched.

Amnesty International has seen and analysed satellite imagery and aerial photographs that suggests at least a dozen more examples of villages in which burning occurred only in the Rohingya areas of ethnically-mixed village tracts or in Rohingya neighbourhoods of more populated areas. Together, these show a persistent determination across the northern part of Rakhine State to burn Rohingya-populated areas, and only those areas. It belies the government's explanation that the Rohingya themselves set the fires. It also shows the level of planning and oversight in the burning.



An aerial photograph from the area of Laung Don village tract in Maungdaw Township, which shows higher-quality structures in an organized row. All communities surrounding the intact row of houses, including those in the background of the picture, have been burned down, 27 September 2017. © Private

ETHNIC CLEANSING, FORCIBLE TRANSFER

In Myanmar and elsewhere, at the heart of what is often called "ethnic cleansing," which is not a legal term, is an organised deportation operation, aimed to force people to leave their homes and to ensure they do not return. The Myanmar security forces' method of achieving these goals has involved terrorising Rohingya out of their homes, mostly through shooting, killing, sexual violence and threats; followed by the burning of their homes and villages.

International law provides for the crime against humanity of "[d]eportation or forcible transfer of population,"¹²⁹ which, as detailed in this briefing, has clearly been committed by the Myanmar security forces since 25 August.

When the authorities uproot people by deliberately destroying their homes and belongings, and force them into exile, they are committing a host of human rights violations. These include violations of the rights to adequate housing; to an adequate standard of living more generally; to education, particularly for children; and to work—all provided within the International Covenant on Economic, Social and Cultural Rights, which Myanmar ratified in early October, even as its soldiers continued to burn Rohingya homes.

¹²⁹ Rome Statute, Article 7(1)(d).

PRIOR WARNING IN CERTAIN VILLAGES, ADVANCED PLANNING

The military's scorched-earth campaign appears to have been carried out in several phases. During the first phase, in the days immediately following the 25 August attacks, the military and BGP often caught Rohingya residents by surprise when surrounding their villages, opening fire, and then burning homes. During the second phase, beginning in early to mid-September, the military or local civilian authorities at times warned the Rohingya in advance that their homes would be burned. This reduced the scale of killing, but also demonstrates how well planned and thought through the ethnic cleansing has been.

In Auk Nan Yar, a village to the northwest of Rathedaung town, not far from Chut Pyin, several Rohingya residents interviewed by Amnesty International said that, soon after Eid al-Adha on 2 September, the military told them to leave, as soldiers would be setting fire to the village. Hamid, 53, recalled:

"The military had warned one or two days before [the] burning that we should leave the village. They entered the village and told us to leave, because they would burn it all. They said, 'You people are providing food and shelter to armed groups.' We never did that.

*The day before the burning the number of military had increased and we realised they might do something and so we hid... in the hillside. [The next day], it was all clear to see. I saw my house burn... The military and BGP did the burning. They used launchers mostly. Every few houses they burned, but many houses are close to one another so it spread quickly."*¹³⁰

Amnesty International received similar accounts in two other villages in the same area of Rathedaung Township, near the border with Maungdaw and Buthidaung Townships.¹³¹ Residents of these villages said they had seen smoke and flames in neighbouring villages, including Chut Pyin, so when they received the military's warnings, most residents fled to surrounding hills, from where they saw their own village burned, before heading on to Bangladesh.¹³² They said the Village Administrator had accompanied the military when the warning of imminent burning was issued.¹³³

CONSISTENT METHOD OF SETTING FIRES

Witnesses from at least several dozen Rohingya villages burned across the northern part of Rakhine State all described similar means by which Myanmar soldiers and other attackers set houses, mosques, schools, and other structures on fire. In satellite imagery and aerial photographs, the burning looks uniform or at least highly similar in villages throughout the region—days and even weeks apart.

On a government-led visit to northern Rakhine State in early September, a BBC reporter witnessed the burning of a Rohingya village, and "saw one empty jug reeking of petrol and another with a little fuel left in it in the middle of the path."¹³⁴ At least a dozen Rohingya witnesses interviewed by Amnesty International described seeing soldiers and local vigilantes with matchsticks and bottles or canisters of petrol, which they used to burn one or more structures within a cluster, then let the flames spread organically. C.B., 15, described soldiers burning in this way the Min Gyi house in which she was held and raped (see page 24). Senouwara Begum, 35, likewise described soldiers and local vigilantes torching house after house in Chut Pyin with petrol and matchsticks, during the extreme violence meted out there on 27 August.¹³⁵

In addition, dozens of Rohingya witnesses told Amnesty International that soldiers used a shoulder-fired weapon to set fire to certain structures. The descriptions given most likely indicate the use of 40mm grenade launchers, rocket-propelled grenades (in particular an RPG-7), or both. Amnesty International's munitions expert said both weapons would be capable of the use and destruction described.

Zauda Khatun, 50, said that her village of Auk Nan Yar, in Rathedaung Township, was attacked just after Eid an-Adha by Myanmar soldiers and BGP. She described, "The military were using what looked like a gun. It's like a bundle of fire moving and can cover some distance."¹³⁶ Dil Bahar, 36, from Chein Kar Li village in Rathedaung Township, said likewise: "I saw with my own eyes when my house was burning. It was some kind of thing that just shot out and went and burned the house. I was just crying. I lost my home."¹³⁷

Often, both means were employed to burn the same village. Sheikh Ahmad, 22, described how in his village of Maung Hnit Ma Gyi, in Maungdaw Township, he saw attackers set fire to shorter houses with petrol and

¹³⁰ Amnesty International interview, Cox's Bazaar District, Bangladesh, 12 September 2017.

¹³¹ Amnesty International interviews, Cox's Bazaar District, Bangladesh, 11-13 September 2017.

¹³² Amnesty International interviews, Cox's Bazaar District, Bangladesh, 11-13 September 2017.

¹³³ Amnesty International interviews, Cox's Bazaar District, Bangladesh, 11-13 September 2017.

¹³⁴ BBC, "BBC reporter in Rakhine: 'A Muslim village was burning'," 7 September 2017.

¹³⁵ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 23 September 2017.

¹³⁶ Amnesty International interview, Cox's Bazaar District, Bangladesh, 13 September 2017.

¹³⁷ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 23 September 2017.

matchsticks, and then use the shoulder-fired weapon for taller houses that could not be easily reached.¹³⁸ Amir Hossain, 35, said similarly that in Chein Kar Li, *"We fled to the hill and were waiting there in the rain. When we were on the hill, they set fire to the village. I could see the flames, the fire. They used a [grenade] launcher in a few cases. But for most houses they used petrol and [set the fire manually]."*¹³⁹

RECENT AND ONGOING BURNING

Through early October, the deliberate burning of Rohingya villages and neighbourhoods remained ongoing. UNOSAT reported on 3 October that, in the previous week, its satellites had detected "more than 160 thousand square meters of destroyed structures."¹⁴⁰ Amnesty International's own analysis of satellite imagery and data likewise indicates that fires have continued to be set in Rohingya villages and neighbourhoods, often forcing people who tried to stay throughout the violence to finally leave for Bangladesh.

Since 1 October, fire data from remote satellite sensing, analysed by Amnesty International, shows several large fires in villages in northern Rakhine State, consistent with previous fires associated with the burning of Rohingya villages. Cloud cover continued to affect satellite sensing across the region. Satellite data indicated, and satellite imagery confirmed, burning in Tin May village, Buthidaung Township, between 7 and 11 October; for this specific incident, Amnesty International has not yet determined whether the Myanmar security forces were directly involved, or if it was only local vigilantes.

Amnesty International has also received credible information about the ongoing burning of Rohingya villages from trusted contacts inside northern Rakhine State, including villages burned between 6-11 October in Maungdaw and Buthidaung Townships.

The recent burning of Rohingya villages contradicts State Counsellor Aung San Suu Kyi's statement during her 19 September speech on the Rakhine crisis that the military's "clearance operations" ended on 5 September.¹⁴¹ Witness accounts, satellite imagery and data, and photo and video evidence all suggest that dozens of Rohingya villages have been partially or completely burned since then,¹⁴² including several of those for which satellite imagery is presented above.

Many Rohingya interviewed by Amnesty International right after they arrived to Bangladesh in late September described trying to stay in their villages, even as they knew of the violence raging around them. Some said they eventually fled after days or even weeks of little to no food, as the military would not allow them to move around, even to their rice farms; had often stolen their livestock; and, along with civilian authorities, had blocked or severely restricted access to aid organizations.¹⁴³

Other new arrivals in late September said they had to flee because of the targeted burning. Abu Taher, 45, from Nyaung Chaung, in southern Buthidaung Township, told Amnesty International, in words echoed by many others, *"Our houses were burned, so what did we have to stay for?"*¹⁴⁴

SEVERE, ONGOING RESTRICTIONS ON HUMANITARIAN AID

The Myanmar authorities have severely restricted humanitarian access to Rakhine State, and in particular to the violence-affected northern townships. Aid workers told Amnesty International that restrictions on their operations, especially on their travel authorizations, tightened in the weeks prior to the August attacks, then seriously intensified in the immediate aftermath.¹⁴⁵ Seven weeks after the attacks, and despite massive destruction and displacement, UN agencies and international humanitarian organizations have been unable to access affected populations; assess their needs; or provide shelter, food, medical care and protection.

In response to international pressure to allow aid in, the Myanmar authorities announced in early September that the humanitarian response in northern Rakhine State would be led by the Myanmar Red Cross Society, supported by the International Committee of the Red Cross.¹⁴⁶ Aid workers and diplomats interviewed in

¹³⁸ Amnesty International interview, Cox's Bazaar District Sadar Hospital, Bangladesh, 30 September 2017.

¹³⁹ Amnesty International interview, Kutupalong Refugee Camp, Bangladesh, 27 September 2017.

¹⁴⁰ UNITAR/UNOSAT, Myanmar: Maungdaw District / Rakhine State, 3 October 2017.

¹⁴¹ BBC News, "Rohingya crisis: Are Suu Kyi's Rohingya claims correct?", 19 September 2017.

¹⁴² Amnesty International, "Myanmar: Video and satellite evidence shows new fires still torching Rohingya villages," 22 September 2017.

¹⁴³ Amnesty International interviews outside between Phalung Kali and Thaing Kali, Bangladesh, 24 September 2017; and in Teknaf boat arrival point and Bangladeshi processing center, 28 September 2017.

¹⁴⁴ Amnesty International interview, outside between Phalung Kali and Thaing Kali, Bangladesh, 24 September 2017.

¹⁴⁵ Amnesty International interview with humanitarian officials, Yangon, Myanmar, September 2017.

¹⁴⁶ Amnesty International interviews, Yangon, Myanmar, September 2017. See also Reuters, "Red Cross fills UN void in Myanmar's violence-torn region," 9 September 2017.

Yangon expressed concern about the capacity of these organizations to respond to the enormous humanitarian needs.¹⁴⁷ To date, most affected populations have not received the assistance they need.

In early October, the Secretary General of the Norwegian Refugee Council said that the organization “is standing by, waiting for the authorities to allow us to move into areas where we fear many people may be stranded without clean water, food, or shelter. We have supplies, we have staff, we have transport. The only thing standing between us and the people who need help is permission to go.”¹⁴⁸

Humanitarian access restrictions have had a devastating and disproportionate impact on the Rohingya. The community has long been heavily reliant on aid for basic survival, as a result of the severe and discriminatory restrictions on their freedom of movement and other rights. Since 25 August, the military’s brutal attacks, burning of villages, and looting of livestock and other goods has made the situation even more acute. Movement restrictions, the closure of markets, and the threat of further violence have also prevented Rohingya villagers from accessing supplies, including food and other commodities. As a result, at least a dozen refugees arriving in Bangladesh in late September described fleeing due to fears they would have starved in Myanmar.¹⁴⁹

Government-imposed restrictions on humanitarian access have been exacerbated by increasing local tensions and hostility towards international aid groups. Communities in Rakhine State, in particular the majority ethnic Rakhine, have long accused international organizations of bias towards the Rohingya, and these perceptions have only increased during the current crisis. International organizations still operating in Rakhine State have reported difficulties delivering aid, in part because their local staff fear reprisals and possible violence from neighbouring communities. Such fears are not without foundation: on 20 September, a group of protesters in Sittwe blocked an ICRC convoy bound for northern Rakhine State.¹⁵⁰ Ten people are currently in detention now facing charges in connection with the incident.¹⁵¹

For their part, the Myanmar authorities have fuelled local tensions and animosity towards international aid workers.¹⁵² Government spokespeople have repeated accusations that international aid organizations in Rakhine State provided support to the Rohingya armed group, after World Food Programme (WFP) branded biscuits found in an alleged Rohingya militant training camp in early August.¹⁵³

Depriving people of food and other life-sustaining provisions, whether directly or through restrictions on movement, access to livelihood, and humanitarian aid violates key human rights such as the right to food, and potentially the right to life. In the case of the acts described here, they fall under the crimes against humanity of persecution on racial or ethnic grounds,¹⁵⁴ or “other inhumane acts... intentionally causing great suffering, or serious injury to body or to mental or physical health.”¹⁵⁵

¹⁴⁷ Amnesty International interviews, Yangon, Myanmar, September 2017.

¹⁴⁸ Norwegian Refugee Council (NRC), “Alarming lack of assistance to people in Myanmar’s Northern Rakhine,” 6 October 2017, <https://www.nrc.no/news/2017/october/alarming-lack-of-assistance-to-people-in-myanmar-northern-rakhine/>.

¹⁴⁹ Amnesty International interviews, Cox’s Bazar District, Bangladesh, late September 2017.

¹⁵⁰ Reuters, “Myanmar protesters try to block aid shipment to Muslim Rohingya,” 21 September 2017.

¹⁵¹ *The Irrawaddy*, “Ten Accused of Blocking Aid Shipment in Sittwe to Face Trial,” 10 October 2017.

¹⁵² Amnesty International, “Myanmar: Restrictions on international aid putting thousands at risk,” 4 September 2017.

¹⁵³ Oliver Holmes, “Aung Sang Suu Kyi’s office accuses aid workers of helping ‘terrorists’ in Myanmar,” *The Guardian*, 28 August 2017.

¹⁵⁴ See Rome Statute, Article 7(1)(h).

¹⁵⁵ See Rome Statute, Article 7(1)(k). See also Human Rights Council, Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea, UN Doc. A/HRC/25/CRP.1, 4 February 2014, paras. 1115 and 1131.

UNITS IMPLICATED

Amnesty International's investigations remain ongoing into the responsibility of specific units and individuals involved in crimes committed in northern Rakhine State. However, at this stage, there is strong evidence from consistent, corroborating witness accounts that certain units have been disproportionately involved in some of the worst violations.

In many villages where Amnesty International documented killings and other serious violations, witnesses consistently described a patch on soldiers' uniforms that matches the one worn by Western Command. Witnesses who offered this description of a logo that looked like a star and flower, or drew a related picture, were then presented with various options of Myanmar Army patches. They each picked out the Western Command patch, shown below. Western Command has long played a leading role in military operations in northern Rakhine State, and is led by Major General Maung Maung Soe.¹⁵⁶



Image left:
Western Command's logo.

Image right:
Border Guard Police travel in
trucks through Maungdaw on
October 14, 2016. © YE AUNG
THU/AFP/Getty Images

Several witnesses in villages that soldiers burned described and identified the patch worn by the 33rd Light Infantry Division (LID).¹⁵⁷ Many soldiers from the 33rd and 99th LIDs were moved from northern Myanmar to Rakhine State in mid-August.¹⁵⁸ In June, Amnesty International published a report that documented war crimes committed by soldiers from these two units against civilians from ethnic minorities in northern Shan State, as part of the ongoing internal armed conflicts in northern Myanmar.¹⁵⁹

The Commander-in-Chief of the Myanmar military, Senior General Min Aung Hlaing, has, apart from two days, been in Myanmar since 25 August. On 1 September, he announced on his Facebook page that, "in the ongoing incidents," the Myanmar military "had to get involved as the strength of police forces alone could not defend."¹⁶⁰ From 19-21 September, as the military's scorched-earth campaign remained ongoing, he met with senior officers on the ground in Rakhine State, including the head of Western Command.¹⁶¹ While in Rakhine State, his Facebook page included statements indicating that he "gave [those commanders] instructions on getting timely information" and on the "systematic deployment of security forces," among other things; he also "honoured" the military's "brilliant efforts to restore regional peace."¹⁶² People with intimate knowledge of the military's ongoing campaign in northern Rakhine State have told Amnesty International that the Commander-in-Chief has close oversight of the operation.¹⁶³

There is no indication that Senior General Min Aung Hlaing has taken steps to ensure accountability for his troops' violations. His official Facebook page has instead often included inflammatory posts, including a 1 September post that said, "We openly declare that 'absolutely, our country has no Rohingya race';" and a 20 September post that said "collective efforts must be made to protect the minorities of Buthidaung/Maungdaw region such as Mro, Khamee, Thet and Daingnet"¹⁶⁴—making no mention of protecting Rohingya civilians. On 11 October, his Facebook page posted a statement that said it was an "exaggeration to say that the number of [Rohingya] fleeing to Bangladesh is very large" and that the "native place of [the Rohingya] is really Bengal. Therefore, they might have fled to the other country with the same language, race and culture as theirs by assuming that they would be safer there."¹⁶⁵

In addition to the Army, Rohingya witnesses repeatedly implicated the Border Guard Police (BGP), a force that has operated in close proximity to many Rohingya villages since it was established in early 2014. The BGP was often identified by their distinct, camouflage blue uniforms (see above). Witnesses from at least several dozen burned villages described the BGP working with the Army to surround and set ablaze Rohingya houses. The BGP were also identified as among the perpetrators of killings and sexual violence in several villages. Major General Thura San Lwin was the commander in charge of the BGP from October 2016 until early October 2017, a period marked by two rounds of highly abusive "clearance operations" that followed ARSA attacks.¹⁶⁶ He was then replaced by Brigadier-General Myint Toe.¹⁶⁷

Amnesty International is not aware of any disciplinary measures being taken against soldiers or commanders implicated in violations during the campaign, nor of efforts to relocate away from ongoing operations specific units that have been identified as responsible. Indeed, the Myanmar military and government have instead repeatedly denied responsibility for any such violations,¹⁶⁸ and justified their approach by implying, for example, that all Rohingya men are “terrorists.”¹⁶⁹ This fits a longstanding pattern of impunity, including after similar crimes were committed in late 2016.

¹⁶⁶ Reuters, “Command structure of the Myanmar army’s operation in Rakhine,” 25 April 2017.

¹⁶⁷ Amnesty International interviews, Cox’s Bazaar District, 11–13 September 2017.

¹⁶⁸ *The Irrawaddy*, “ANALYSIS: Myanmar Army Deployed in Maungdaw,” 11 August 2017; IHS Jane’s Defence Weekly, “Myanmar Army steps up troop deployment in Rakhine State,” 21 September 2017; Bhavan Jaipragas, “Kill All, Burn All: The Japanese War Tactic Used on the Rohingya by Myanmar’s Military,” *South China Morning Post*, 9 September 2017.

¹⁶⁹ Amnesty International, “All the Civilians Suffer”: Conflict, Displacement, and Abuse in Northern Myanmar (Index: ASA 16/6429/2017), 14 June 2017.

¹⁷⁰ Senior General Min Aung Hlaing Facebook Posts, 1 September 2017.

¹⁷¹ <https://www.facebook.com/seniorgeneralminaunghlaing/posts/1698274643540350> (last accessed 12 October 2017).

¹⁷² Senior General Min Aung Hlaing Facebook Posts, 19 September 2017.

¹⁷³ <https://www.facebook.com/seniorgeneralminaunghlaing/posts/1715340745167073>; 20 September 2017.

¹⁷⁴ <https://www.facebook.com/seniorgeneralminaunghlaing/posts/1716465351721279>; and 21 September 2017.

¹⁷⁵ <https://www.facebook.com/seniorgeneralminaunghlaing/posts/1717476404953507> (all last accessed 12 October 2017).

¹⁷⁶ Senior General Min Aung Hlaing Facebook Posts, 19 September 2017.

¹⁷⁷ <https://www.facebook.com/seniorgeneralminaunghlaing/posts/1715340745167073>; 20 September 2017.

¹⁷⁸ <https://www.facebook.com/seniorgeneralminaunghlaing/posts/1716465351721279> (all last accessed 12 October 2017).

¹⁷⁹ Amnesty International interviews, September 2017.

¹⁸⁰ Senior General Min Aung Hlaing Facebook Posts, 1 September 2017.

¹⁸¹ <https://www.facebook.com/seniorgeneralminaunghlaing/posts/1698274643540350>; and 20 September 2017, 20 September.

¹⁸² <https://www.facebook.com/seniorgeneralminaunghlaing/posts/1716465351721279> (both last accessed 12 October 2017).

¹⁸³ Senior General Min Aung Hlaing Facebook Post, 11 October 2017.

¹⁸⁴ <https://www.facebook.com/seniorgeneralminaunghlaing/posts/1736743383026809> (last accessed 12 October 2017). His original post used the word “Bengalis” in place of “Rohingya.” “Bengalis” is a derogatory term, used by the government, military, and others in Myanmar to cast the Rohingya as immigrants from Bangladesh without historical roots in Myanmar, in spite of evidence to the contrary.

¹⁸⁵ Major General Thura San Lwin was appointed to head the BGP in October 2016. His predecessor was dismissed earlier that month, soon after the 9 October armed attacks on border police posts that killed nine officers. See Reuters, “Myanmar fires border police chief over deadly insurgent attacks,” 17 October 2016.

¹⁸⁶ “Border Guard Police commander replaced,” *Frontier Myanmar*, 4 October 2017; Myanmar Ministry of Information, “Arakan govt to form new militia to police border,” 1 November 2016, <http://www.moi.gov.mm/moi:eng/?q=news/1/11/2016/id-8971>.

¹⁸⁷ Oliver Holmes, “Myanmar tells UN: ‘There is no ethnic cleansing and no genocide’ of Rohingya,” *The Guardian*, 29 September 2017.

¹⁸⁸ Associated Press, “Myanmar envoy denies genocide against Rohingya Muslims,” 12 October 2017 (quoting the Myanmar ambassador as saying, “To say the Myanmar military conducted those illegal acts is untrue and cannot be true”); Reuters, “Myanmar army chief says Rohingya Muslims ‘not natives’, numbers fleeing exaggerated,” 12 October 2017.

¹⁸⁹ In an early September interview, Myanmar government spokesperson U Zaw Htay said, “Those who have fled can be of two types: the ones who made the terror attack and escaped, and the others who are women and children.” *Frontier Myanmar*, “U Zaw Htay: ‘If they are going to harm you, you can shoot them,’” 5 September 2017. See also BBC, “Rohingya ‘extremists’ trying to build stronghold - Myanmar army,” 17 September 2017; Florence Looi, “Myanmar army denies reports of Rohingya atrocities,” *Al-Jazeera*, 3 September 2017.

5. CONCLUSION AND RECOMMENDATIONS

The Rohingya have faced decades of state-sponsored persecution in Myanmar, which, during moments of particular tension, has escalated into targeted violence, including killings, sexual violence, enforced disappearances, and mass arbitrary arrests. But the scale and intensity of the Myanmar military's campaign after the 25 August attacks by ARSA is beyond anything in the country's recent history. More than 520,000 Rohingya have fled to Bangladesh, in what the head of the Office of the UN High Commissioner for Human Rights (OHCHR) has appropriately called a "textbook example of ethnic cleansing."¹⁷⁰

The pattern and scale of crimes documented in this report is similar that which has been documented by other human rights organizations and by many media outlets. The Myanmar authorities have led a campaign of misinformation, but there is no denying that the military has committed extensive, egregious human rights violations and crimes over the last two months. Witness accounts, satellite imagery and data, and photo and video evidence all point to the same conclusion: Myanmar's security forces unleashed an attack against the Rohingya population in its entirety. While some Rohingya were involved in ARSA's coordinated attacks on police posts, the overwhelming majority were not. Yet, the Myanmar military has made no apparent effort to distinguish between armed actors and ordinary Rohingya civilians.

Hundreds of thousands of Rohingya women, men, and have been the victims of a widespread and systematic attack, constituting crimes against humanity. Specifically, Amnesty International has documented the following crimes:

- (1) Unlawful killings ("murder"), including through the use of landmines¹⁷¹;
- (2) Deportation and forcible displacement, through armed attacks, killings, rape, the burning of buildings, looting and other acts threatening civilians and forcing them to flee;
- (3) Torture, including rape, beating, and rape and killing in front of family members;
- (4) Rape and other forms of sexual violence of comparable gravity;
- (5) Persecution based on ethnic and religious grounds, through burning of homes, other buildings and whole villages; looting; and denial or severe restrictions on humanitarian aid;
- (6) Other inhumane acts, including denial of access to life-sustaining provisions.¹⁷²

This list may not be complete. Amnesty International has concluded that other crimes against humanity have been committed in Rakhine State prior to the current crisis, and is further researching crimes committed since 25 August. These are outside of the scope of the current briefing, but will be published in due course.

The Myanmar authorities have shown no signs of being willing or able to stop these violations and crimes, must less to investigate and prosecute those responsible. Many of the same units, and in particular Western Command and the BGP, have been repeatedly implicated by witnesses in some of the worst atrocities.

It is time for the international community to move beyond public outcry and to take action to end the

¹⁷⁰ Reuters, "U.N. brands Myanmar violence a 'textbook' example of ethnic cleansing," 11 September 2017.

¹⁷¹ Amnesty International, "Myanmar Army landmines along border with Bangladesh pose deadly threat to fleeing Rohingya," 9 September 2017.

¹⁷² Rome Statute, Articles 7(1)(a), 7(1)(d), 7(1)(f), 7(1)(g), 7(1)(h) and 7(1)(k), respectively.

campaign of violence that has driven more than half the Rohingya population out of Myanmar. Myanmar's partners should demand unfettered access for the Fact-Finding Mission established by the UN Human Rights Council, to help lay the groundwork for individual criminal responsibility. And the UN Security Council and multilateral institutions like the European Union and Association of Southeast Asian Nations (ASEAN) should impose a comprehensive arms embargo as well as targeted financial sanctions on senior officials reasonably suspected of serious violations and crimes. A clear message must be sent that the military's crimes in Rakhine State, along with the grave breaches of international human rights and humanitarian law committed during the ongoing conflicts in Kachin and northern Shan States, will not be tolerated.

Similar efforts must be made ensure the Myanmar military's ethnic cleansing is not successful, including through providing safe asylum to refugees; respecting the rights of Rohingya to return safely, voluntarily and with dignity to their country; and tackling the systematic discrimination and other root causes of the crisis.

RECOMMENDATIONS

TO THE MYANMAR AUTHORITIES

- Immediately end the campaign of violence against the Rohingya population in Rakhine State, including the burning of Rohingya villages, which remains ongoing. Ensure that measures taken in response to armed attacks are lawful, proportionate, target only those involved in such attacks, and do not involve human rights violations;
- Immediately allow UN agencies and other international and local humanitarian organizations full and unfettered access to all parts of the country, and ensure that organizations whose humanitarian operations are currently suspended in Rakhine State are able to resume programs at the earliest opportunity;
- Initiate prompt, impartial, independent, and effective investigations into all credible allegations of violations of international human rights law and crimes under international law. Where sufficient, admissible evidence is found of individuals, including those with command and other superior responsibility, committing offences involving violations of international human rights law, and in particular crimes under international law, ensure that such individuals are prosecuted in fair proceedings before independent civilian courts and without the imposition of the death penalty. Provide full reparation, in accordance with international law and standards, to all those who have suffered violations of their human rights;
- Allow unrestricted access to the Fact-Finding Mission (FFM) established by the UN Human Rights Council, so that it can fully investigate human rights violations, abuses, and crimes under international law committed by all sides in Rakhine State and in other parts of the country, including Kachin and northern Shan States. In particular, allow the FFM's members full and unfettered access to all parts of the country, to all individuals it may wish to speak to, and to all materials it deems necessary for its investigation;
- Ensure that all refugees and internally displaced people are able to return to their homes voluntarily, in safety and with dignity; without discrimination of any kind and in accordance with international human rights law; and with government support in rebuilding homes and infrastructure destroyed during the violence;
- Take action to address the long-standing and systematic discrimination and segregation of the Rohingya and other Muslims in Rakhine State, including by ensuring that the right to a nationality is granted free of any discrimination, not least for children born in Myanmar; and by removing arbitrary and discriminatory restrictions on freedom of movement as well as access to healthcare, education and other services; and
- Condemn unequivocally all advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence and take effective measures to tackle and counter it.

TO THE UN SECURITY COUNCIL

- Impose a comprehensive arms embargo on Myanmar that covers the direct and indirect supply, sale or transfer, including transit and trans-shipment of all weapons, munitions, and other military and security equipment, including the provision of training and other military and security assistance;

- Impose targeted financial sanctions against senior officials responsible for serious violations and crimes;
- Explore other possible avenues to bring perpetrators of crimes under international law to justice, unless the Myanmar authorities move swiftly to ensure justice and accountability; and
- Hold regular, open public meetings on the situation in Myanmar and adopt a joint public statement that sends an unambiguous message to the Myanmar Government about the need to immediately end the violations, allow unrestricted humanitarian access, and allow unfettered access to the FFM, among other issues identified in this briefing.

TO THE EUROPEAN UNION

- Extend the existing arms embargo against Myanmar to include all forms of military assistance;
- Impose targeted financial sanctions against senior officials responsible for serious violations; and
- Revive the Third Committee UNGA resolution on the situation of human rights in Myanmar in response to the gravity of the evolving human rights and humanitarian crisis in Rakhine State, as a means of pursuing decisive action by the UNGA and ensuring increased international scrutiny and monitoring of the situation. Such a resolution must be comprehensive and address the deteriorating human rights situation in Myanmar as a whole, including related to the ongoing conflicts in Kachin and northern Shan States and to restrictions on the right to freedom of expression.

TO THE INTERNATIONAL COMMUNITY AS A WHOLE AND MYANMAR'S PARTNERS IN PARTICULAR, INCLUDING THE UNITED STATES, AUSTRALIA, JAPAN, AND INDIA

- Immediately suspend the direct and indirect transfer to Myanmar of all weapons, munitions, and other military and security equipment, including the provision of training and other military and security assistance;
- Use all bilateral, multilateral, and regional platforms at your disposal to urge the Myanmar authorities to immediately end the violations and crimes in northern Rakhine State, allow humanitarian agencies and independent investigators access to Rakhine State; and the Rohingya refugees who wish to do so to return to their home voluntarily, in safety, and with dignity;
- Support the adoption of a comprehensive resolution on the situation of human rights in Myanmar at the upcoming UNGA Third Committee; and
- Exercise universal jurisdiction in investigating any person under the country's jurisdiction who may reasonably be suspected of committing crimes against humanity or other crimes under international law in Rakhine State, while ensuring that all proceedings meet international standards of fairness and do not involve seeking or imposing the death penalty.

TO THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN)

- Hold an emergency ASEAN Summit to facilitate discussions with Myanmar on: ending the violence, human rights violations and crimes under international law; ensuring humanitarian assistance to Rohingya refugees and the safe and dignified return of those who wish to go home; ending entrenched discrimination against the Rohingya; and supporting independent investigations into human rights violations and helping to bring perpetrators to justice;
- Impose a comprehensive arms embargo on Myanmar that covers the direct and indirect supply, sale or transfer, including transit and trans-shipment of all weapons, munitions, and other military and security equipment, including the provision of training and other military and security assistance; and
- Impose targeted financial sanctions against senior officials responsible for serious violations.

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“MY WORLD IS FINISHED”

ROHINGYA TARGETED IN CRIMES AGAINST HUMANITY IN MYANMAR

On 25 August 2017, members of a Rohingya armed group, the Arakan Rohingya Salvation Army (ARSA), attacked approximately 30 security force outposts in Myanmar's Rakhine State. In its response, the Myanmar military launched an attack on the Rohingya population in northern Rakhine State as a whole. Often working with Border Guard Police and local vigilantes, the military has carried out a campaign of violence that has been systematic, organized, and ruthless.

Based on more than 150 interviews as well as an analysis of satellite imagery and data, this briefing shows that the Myanmar military has killed at least hundreds of Rohingya women, men, and children; raped and perpetrated other forms of sexual violence on Rohingya women and girls; and carried out organized, targeted burning of entire Rohingya villages. In seven weeks, the relentless human rights violations, which amount to crimes against humanity under international law, have forced more than 520,000 Rohingya to flee to neighbouring Bangladesh.

ANNEX III.—MYANMAR: NEW LANDMINE BLASTS POINT TO DELIBERATE TARGETING OF ROHINGYA



ASIA AND THE PACIFIC ARMED CONFLICT

Myanmar: New landmine blasts point to deliberate targeting of Rohingya

10 September 2017, 09:41 UTC

Two new landmine incidents today, including a blast blowing off a young man's leg, bring to three the number of known sites where Myanmar authorities have mined border crossings used by Rohingya fleeing violence, Amnesty International said.

A Bangladeshi farmer in his early 20s stepped on a landmine near the Bangladeshi village of Baish Bari this morning when he was herding cattle in a buffer zone along the border with Myanmar. Witnesses told the organization of a Rohingya man being rushed to medical treatment in Cox's Bazar in Bangladesh today, after a separate landmine blast near the Bangladeshi village Amtali, another known border crossing point.

"All indications point to the Myanmar security forces deliberately targeting locations that Rohingya refugees use as crossing points. This a cruel and callous way of adding to the misery of people fleeing a systematic campaign of persecution," said Tirana Hassan, Amnesty international's Crisis Response Director, who is currently on the Bangladeshi side of the border.

" All indications point to the Myanmar security forces deliberately targeting locations that Rohingya refugees use as crossing points. This a cruel and callous way of adding to the misery of people fleeing a systematic campaign of persecution. "

Tirana Hassan, Amnesty international's Crisis Response Director

"This offers further evidence that this is not a problem that is going away on its own. Myanmar's authorities must immediately end this abhorrent practice and allow demining teams to access its border areas."

The new blasts took place along a border where the United Nations estimates 290,000 Rohingya fleeing violence have crossed in the past two weeks. Locals say they frequently see the Myanmar security forces patrol the area.



NEWS ASIA AND THE PACIFIC ARMED CONFLICT

Myanmar: New landmine blasts point to deliberate targeting of Rohingya

10 September 2017, 09:41 UTC

Two new landmine incidents today, including a blast blowing off a young man's leg, bring to three the number of known sites where Myanmar authorities have mined border crossings used by Rohingya fleeing violence, Amnesty International said.

A Bangladeshi farmer in his early 20s stepped on a landmine near the Bangladeshi village of Baish Bari this morning when he was herding cattle in a buffer zone along the border with Myanmar. Witnesses told the organization of a Rohingya man being rushed to medical treatment in Cox's Bazar in Bangladesh today, after a separate landmine blast near the Bangladeshi village Amtali, another known border crossing point.

"All indications point to the Myanmar security forces deliberately targeting locations that Rohingya refugees use as crossing points. This a cruel and callous way of adding to the misery of people fleeing a systematic campaign of persecution," said Tirana Hassan, Amnesty international's Crisis Response Director, who is currently on the Bangladeshi side of the border.

"All indications point to the Myanmar security forces deliberately targeting locations that Rohingya refugees use as crossing points. This a cruel and callous way of adding to the misery of people fleeing a systematic campaign of persecution."

Tirana Hassan, Amnesty international's Crisis Response Director

"This offers further evidence that this is not a problem that is going away on its own. Myanmar's authorities must immediately end this abhorrent practice and allow demining teams to access its border areas."

The new blasts took place along a border where the United Nations estimates 290,000 Rohingya fleeing violence have crossed in the past two weeks. Locals say they frequently see the Myanmar security forces patrol the area.

The Myanmar Army is one of only a handful of state forces worldwide, along with North Korea and Syria, to openly use antipersonnel landmines in recent years. The weapons were banned by an international treaty in 1997.


On 8 September, [Amnesty International confirmed that the Myanmar security forces had planted mines](#) along the northern part of its border with Bangladesh on two busy paths near Taung Pyo Let Wea [known locally as Tumbro] where many Rohingya fleeing violence pass through. At least three people, including two children, were seriously injured, with all blasts taking place along heavily travelled roads.

"Instead of denying responsibility, Myanmar should put the safety of people in the border area at the forefront. There is a reason why the use of antipersonnel landmines is illegal: they kill and maim indiscriminately and can't distinguish between fighters and ordinary people," said Tirana Hassan.

"Instead of denying responsibility, Myanmar should put the safety of people in the border area at the forefront. There is a reason why the use of antipersonnel landmines is illegal: they kill and maim indiscriminately and can't distinguish between fighters and ordinary people. "

Tirana Hassan

"UN experts must be allowed to investigate the widespread and systematic violations that have taken place in Rakhine State, including Myanmar's use of banned landmines. Those responsible should be held to account."

 Myanmar Army landmines along border with Bangladesh pose deadly threat to fleeing Rohingya

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ANNEX IV.—HUMAN RIGHTS WATCH: CRIMES AGAINST HUMANITY BY
BURMESE SECURITY FORCES AGAINST THE ROHINGYA MUSLIM
POPULATION IN NORTHERN RAKHINE STATE SINCE AUGUST 25,
2017



**Crimes against Humanity by Burmese Security Forces
Against the Rohingya Muslim Population
in Northern Rakhine State since August 25, 2017**

Human Rights Watch
September 26, 2017

Crimes against Humanity

Human Rights Watch has found that serious violations committed by members of Burma's state security forces against the Rohingya Muslim population in northern Rakhine State since August 25, 2017, amount to crimes against humanity under international law. The crimes against humanity alleged include: a) forced population transfers and deportation, b) murder, c) rape and other sexual violence, and d) persecution as defined by the Rome Statute of the International Criminal Court (ICC) and the ad hoc international criminal courts.

Human Rights Watch previously determined that the Burmese government was responsible for crimes against humanity against the Rohingya in 2012 and 2016 when Buddhist monks and ethnic Rakhine villagers carried out killings with help from the state security forces.¹

According to the ICC Statute, crimes against humanity are specified criminal acts "committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack."² The attack must also be part of a state or

¹ Human Rights Watch, "All You Can Do is Pray," Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State, April 22, 2013, <https://www.hrw.org/report/2013/04/22/all-you-can-do-pray/crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims>; Human Rights Watch, "Burma: Rohingya Recount Killings, Rape, and Arson; Video Testimony Matches Satellite Images of Attacks," December 21, 2016, <https://www.hrw.org/news/2016/12/21/burma-rohingya-recount-killings-rape-and-arson>.

² Rome Statute of the International Criminal Court (ICC Statute), 2187 U.N.T.S. 3, entered into force July 1, 2002, art. 7, http://www1.umn.edu/humanrts/instate/Rome_Statute_ICC/romestatute.html. The Rome Statute entered into force on April 11, 2002 and the ICC has the authority to prosecute the most serious international crimes since July 1, 2002. Burma is not a party to the Rome Statute.

organizational policy.³ International legal jurisprudence requires that the attack be widespread or systematic, but need not be both.⁴ “Widespread” refers to the scale of the acts or number of victims and a “systematic” attack indicates “a pattern or methodical plan.”⁵

The “attack” does not necessarily need to be a military attack as defined under international humanitarian law.⁶ Because crimes against humanity may be committed “inside or outside the context of an armed conflict, ... the term civilian must be understood within the context of war as well as relative peace.”⁷ Furthermore, “the term ‘population’ does not require that crimes against humanity be directed against the entire population of a geographical territory or area.”⁸

Crimes against humanity are crimes that fall within the jurisdiction of the International Criminal Court in The Hague and are crimes of universal jurisdiction, meaning they may be prosecuted before national courts in countries outside of Burma, even though neither victim nor the perpetrator is a national of that country.

A. Burmese military attacks on the Rohingya population have been widespread and systematic:

The Burmese military’s campaign against the Rohingya population was sparked by an August 25, 2017 attack by militants belonging to the armed group, the Arakan Rohingya

³ ICC Statute, art. 7(2)(a), http://untreaty.un.org/cod/icc/statute/99_corr/cstatute.htm.

⁴ *Ibid.*, art. 7(1); *Prosecutor v. Dusko Tadic*, ICTY, Case No. IT-94-1-T, Opinion and Judgment (Trial Chamber), May 7, 1997, para. 646, <http://www.icty.org/x/cases/tadic/tjug/en/tad-ts7050712-e.pdf>.

⁵ See *Prosecutor v. Akayesu*, International Criminal Tribunal for Rwanda (ICTR), Case No. ICTR-96-4-T, Judgment (Trial Chamber I), September 2, 1998, para. 579. In *Akayesu* the Trial Chamber defined widespread as “massive, frequent, large scale action, carried out collectively with considerable seriousness and directed against a multiplicity of victims.” http://www1.umn.edu/humanrts/instree/ICTR/AKAYESU_ICTR-96-4/Judgment_ICTR-96-4-T.html; see also *Prosecutor v. Kordic and Cerkez*, ICTY, Case No. IT-92-14/2, Judgment (Trial Chamber III), February 26, 2001, para. 179; *Prosecutor v. Kayishema and Ruzindana*, ICTR, Case No. ICTR-95-1-T, Judgment (Trial Chamber II), May 21, 1999, para. 123; *Prosecutor v. Dusko Tadic*, ICTY, Case No. IT-94-1-T, Opinion and Judgment (Trial Chamber), May 7, 1997, para. 648. See also *Prosecutor v. Kunarac, Kovac and Vokovic*, ICTY, Case No. IT-96-23 and IT-96-23-1A, Judgment (Appeals Chamber), June 12, 2002, para. 94. In *Kunarac* the Appeals Chamber stated that “patterns of crimes – that is the non-accidental repetition of similar criminal conduct on a regular basis – are a common expression of [a] systematic occurrence.”

⁶ Rodney Dixon in Otto Triffterer (ed.), *Commentary on the Rome Statute of the International Criminal Court* (Baden-Baden: Nomos Verlagsgesellschaft, 1999), p. 124.

⁷ ICTR, *Kayishema and Ruzindana*, (Trial Chamber), May 21, 1999, paras. 127-29.

⁸ ICTR, *Bisengimana*, (Trial Chamber), April 13, 2006, para. 50.

Salvation Army (ARSA), which targeted about 30 police posts and an army base. The military's attacks, which include mass burning, killings, and other abuses, have caused more than 400,000 Rohingya to flee to neighboring Bangladesh. Tens of thousands more are internally displaced within Rakhine State. An additional 21,000 mainly ethnic Rakhine and other non-Muslims are also displaced in Rakhine State, as a result of ARSA attacks or the Burmese military operations.⁹

Early satellite imagery showed the overall area in which burnings were found to be spread along an approximately 100-kilometer long stretch of Rakhine State, which is substantially larger than the approximately 20-kilometer long stretch in which burnings by Burmese security forces occurred from October to November 2016.¹⁰

Maps of the damage seen in satellite imagery analyzed by Human Rights Watch show near-total destruction of 284 villages, with more than 90 percent of the structures in each village damaged.¹¹ Detailed satellite images show the destruction of tens of thousands of homes across Maungdaw and Rathedaung Townships.¹² Accounts taken from eyewitnesses, including video obtained and verified by Human Rights Watch researchers, place the blame for the vast majority of these burnings squarely on the Burmese security forces and vigilante groups acting in concert with the security forces.

⁹ UN Office for the Coordination of Humanitarian Affairs, Myanmar: Humanitarian Bulletin, Issue 2 2017 | June – 22 September, September 22, 2017, <https://reliefweb.int/report/myanmar/myanmar-humanitarian-bulletin-issue-2-2017-june-22-september>; Jurawee Kittisilpa, "Myanmar army chief urges internally displaced to return to Rakhine," Reuters, September 21, 2017, <https://www.reuters.com/article/us-myanmar-rohingya-commander/myanmar-army-chief-urges-internally-displaced-to-return-to-rakhine-idUSKCN1BW1HD> "Nearly 400 Die in Rakhine State As Myanmar Army Steps Up Crackdown on Militants," Reuters, September 1, 2017, <https://www.irrawaddy.com/news/nearly-400-die-rakhine-state-myanmar-army-steps-crackdown-militants.html>.

¹⁰ Human Rights Watch, "Burma: Military Burned Villages in Rakhine State," December 13, 2016, <https://www.hrw.org/news/2016/12/13/burma-military-burned-villages-rakhine-state>.

¹¹ Human Rights Watch, "Burma: Satellite Imagery Shows Mass Destruction," September 19, 2017, <https://www.hrw.org/news/2017/09/19/burma-satellite-imagery-shows-mass-destruction>.

¹² Human Rights Watch, "Satellite Imagery: Myar Zin village," September 18, 2017, <https://www.hrw.org/video-photos/satellite-imagery/2017/09/18/satellite-imagery-myar-zin-village>; Human Rights Watch, "Satellite Imagery: Nwar Yon Taung village," September 18, 2017, <https://www.hrw.org/video-photos/satellite-imagery/2017/09/18/satellite-imagery-nwar-yon-taung-village>.

B. Burmese military and government statements have indicated an intent to attack the Rohingya population:

On September 16, the Burmese army commander, Sr. Gen. Min Aung Hlaing, linked Rohingya demands to be recognized as an ethnic group under Burmese law with the army's actions.¹³ Using "Bengali," a Burmese ethnic slur for Rohingya, he stated in a Facebook post that, "They have demanded recognition as Rohingya, which has never been an ethnic group in Myanmar. [The] Bengali issue is a national cause and we need to be united in establishing the truth."¹⁴ He described the ongoing operations against the Rohingya as "unfinished business" dating back to World War II.¹⁵

On September 15, the Burmese Government Information Committee of State Counselor Aung San Suu Kyi's office, stated that, "Those who fled the villages made their way to the other country [Bangladesh] for fear of being arrested as they got involved in the violent attacks" – implying that the several hundred thousand people who fled Burma were responsible for the militant attacks against the government.¹⁶

On September 21, Sr. Gen. Min Aung Hlaing referred to restoring destroyed villages of the "national races," a reference to the official list of recognized indigenous ethnic groups – a list that does not include the Rohingya: "Regarding the rehabilitation of villages of our national races, for the national races [largely ethnic Rakhine] who fled their homes, first of all they must go back to their places. ...The important thing is to have our people in the region. It's necessary to have control of our region with our national races. We can't do anything if there are no people from our national races ... that is their rightful place."¹⁷

¹³ Min Aung Hlaing urges unity over Rakhine crisis, AFP, September 17, 2017, <https://frontieryanmar.net/en/min-aung-hlaing-urges-unity-over-rakhine-crisis>.

¹⁴ Ibid.

¹⁵ James Hookway, "Myanmar Says Clearing of Rohingya Is Unfinished Business From WWII," September 2, 2017, <https://www.wsj.com/articles/myanmar-army-chief-defends-clearing-rohingya-villages-1504410530>.

¹⁶ Ministry of Information, "Local people arrive back home in peace," MOI Webportal Myanmar, September 17, 2017, <https://www.facebook.com/MOIWebportalMyanmar/posts/1311640255630504>.

¹⁷ Jurawee Kittisilpa, "Myanmar army chief urges internally displaced to return to Rakhine," Reuters, September 21, 2017, <https://www.reuters.com/article/us-myanmar-rohingya-commander/myanmar-army-chief-urges-internally-displaced-to-return-to-rakhine-idUSKCN1BW1HD>.

Alleged criminal acts amounting to crimes against humanity

A. *Crime of deportation and forced population transfers*

Since August 25, the Burmese military has subjected Rohingya to both deportation and forced population transfers.

Deportation is recognized as a crime against humanity in each of the major international criminal instruments prior to the ICC.¹⁸ Deportation and forcible transfer of population are distinguished by whether or not the victim was forced across an international border:

Both deportation and forcible transfer relate to the involuntary and unlawful evacuation of individuals from the territory in which they reside. Yet, the two are not synonymous in customary international law. Deportation presumes transfer beyond State borders, whereas forcible transfer relates to displacements within a State.¹⁹

The crime of forcible transfer of populations includes "the full range of coercive pressures on people to flee their homes, including death threats, destruction of their homes, and other acts of persecution such as depriving members of a group of employment, denying them access to schools, and forcing them to wear a symbol of their religious identity."²⁰

The requisite elements of the crime against humanity of deportation or forcible transfer consist of coercing movement to another location of people lawfully in the area with the intent of permanently relocating them.²¹

As noted, since late August, more than 400,000 Rohingya have fled to Bangladesh, and tens of thousands have been forcibly displaced within Burma, along with members of

¹⁸ These included the Nuremberg Charter, the Tokyo Charter, the Allied Control Council Law No. 10, and the statutes of the international criminal tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR). See Roy Lee (ed.), *The International Criminal Court: Elements of Crimes and Rules of Procedure and Evidence* (Ardsey, NY: Transnational Publishers, 2001), p. 86; M. Cherif Bassiouni and Peter Manikas, *The Law of the International Criminal Tribunal for the Former Yugoslavia* (New York: Transnational Publishers, 1996), pp. 627-38 (arguing that the crime of "deportation" under the Nuremberg Charter included "all unjustified transfers [including] internal displacement.").

¹⁹ *Prosecutor v. Krstić*, (Trial Judgment) IT-98-33-T (2 August 2001), para. 521.

²⁰ Christopher K. Hall in Otto Triffterer (ed.), *Commentary on the Rome Statute of the International Criminal Court* (Baden-Baden: Nomos Verlagsgesellschaft, 1999), p. 162.

²¹ See *Prosecutor v. Milomir Stakić*, Case No. IT-97-24-T, ICTY, Appeals Chamber, Judgment, paras. 686-87.

other ethnic groups. In early September, Human Rights Watch interviewed more than 50 Rohingya refugees who had fled across the border to Bangladesh and obtained detailed accounts from about a dozen people. The Rohingya told Human Rights Watch that Burmese government security forces had carried out armed attacks on villagers, inflicting bullet and shrapnel injuries, and burned down their homes. They described the military's use of small arms, mortars, and armed helicopters in the attacks.

Satellite images corroborate accounts gathered by Human Rights Watch from refugees who have described abuses by the Burmese military, police, and ethnic Rakhine mobs to force them to leave their homes.²²

The Burmese military alleges that ARSA militants and Rohingya villagers have burned down their own homes but has provided no evidence to substantiate this claim. The scale, scope, and timing of the burnings, many of which occurred after hundreds of thousands of Rohingya had already fled, is inconsistent with this claim. The pattern of burnings over time suggests government responsibility for the destruction.²³

B. Crime of Murder

Murder is recognized as one of the prohibited acts that may constitute a crime against humanity in the ICC statute and in the ad hoc criminal courts.²⁴ It has been defined as "the death of the victim which results from an act or omission by the accused, committed with the intent either to kill or to cause serious bodily harm with the reasonable knowledge that it would likely lead to death."²⁵

Human Rights Watch interviewed [a number of] Rohingya refugees who had described the murder of relatives and neighbors by the Burmese military.

²² Human Rights Watch, "Burma: Military Torches Homes Near Border," September 15, 2017, <https://www.hrw.org/news/2017/09/15/burma-military-torches-homes-near-border>.

²³ Human Rights Watch, "Arson Attacks on Villages in Rakhine State, Burma," December 12, 2016, <https://www.hrw.org/video-photos/interactive/2016/12/12/arson-attacks-villages-rakhine-state-burma>.

²⁴ ICC Statute, art. 7(1)(g).

²⁵ See e.g., *Blagojevic and Jokic* (ICTY Trial Chamber), January 17, 2005, para. 556.

Momena, a 32-year-old Rohingya woman from Maungdaw Township, said that she fled to Bangladesh on August 26, a day after security forces attacked her village. She first hid with her children when the soldiers arrived, but upon returning to the village she saw 40 to 50 villagers dead, including some children and elderly people: "All had knife wounds or bullet wounds, some had both. My father was among the dead; his neck had been cut open. I was unable to do last rites for my father – I just fled."

Usman Goni, 20, said that he and five friends were in the hills outside their village, tending cattle, when they were attacked. He saw a helicopter flying overhead and then something fall out of it. He later realized he had been hit by whatever the helicopter dropped. Four of his friends died from fragment injuries while villagers transported Goni to Bangladesh for treatment.

Hasina, a 20-year-old Rohingya woman, said that the Burmese army attacked her village of Tu Lar To Li in late August. The villagers ran when the soldiers came, but some were trapped on a riverbank and she saw dozens murdered on the beach. She said the soldiers forced her and many other women to stand waist-deep in water and watch while soldiers dug a pit to burn the bodies of those they had killed. She tried to hide her infant daughter under her shawl, but a soldier noticed the baby, snatched her away and tossed her into the fire.

Hasina said that several hours later the soldiers took her, her mother-in-law and sister-in-law, and three other relatives, all children, to a nearby house. The soldiers tried to rape the women, knifing her mother-in-law to death when she resisted and beating Hasina and her sister-in-law unconscious. They beat the young children to death with spades. She said the soldiers tried to burn her and her sister-in-law alive in the house; they managed to escape the flames, but with serious burns.²⁶

Witnesses described dozens of killings in the village of Maung Nu in Buthidaung Township at a single house. One man said he saw soldiers kill three men; one of them while

²⁶ Peter Bouckaert, "Witness to Carnage in Burma's Rakhine State," Human Rights Watch, September 22, 2017, <https://www.hrw.org/news/2017/09/22/witness-carnage-burmas-rakhine-state>.

handcuffed and in their custody. He also saw soldiers beat two children to death with the butts of rifles after they were taken from their mothers.

Another man said that while hiding in an adjacent building, he saw two soldiers execute his elder brother, shooting him in the back and then cutting his neck with a long knife.

A woman said that a soldier entered the house she was hiding in, tore her 10-year-old nephew out of her hands, dragged him into the next room, and shot the boy in the head with a rifle, killing him instantly.

Witness accounts, independent reporting, and photo and video recordings also described Burmese soldiers in recent weeks deliberately laying antipersonnel landmines at key crossing points along the Burma-Bangladesh border that are used by the fleeing Rohingya population. Witnesses also told Human Rights Watch that Burmese military personnel also planted mines on roads inside northern Rakhine State prior to their attacks on predominantly Rohingya villages.²⁷

C. Crime of Rape and Other Sexual Violence

Rape and other acts of sexual violence are recognized as prohibited acts that may be prosecuted as crimes against humanity, including in the ICC statute.²⁸ There are many reports of the military carrying out rapes, including gang rapes, of Rohingya women during the security crackdown in Burma in recent weeks, as well as in 2016.²⁹

²⁷ Human Rights Watch, "Burma: Landmines Deadly for Fleeing Rohingya," September 23, 2017, <https://www.hrw.org/news/2017/09/23/burma-landmines-deadly-fleeing-rohingya>.

²⁸ See ICC Statute, art. 7(1)(g).

²⁹ Claire Cozens, "Gang rape horrors haunt Rohingya refugees," AFP, September 24, 2017, <https://au.news.yahoo.com/world/a/37204578/gang-rape-horrors-haunt-rohingya-refugees/?cmp=st>; Human Rights Watch, "Burma: Security Forces Raped Rohingya Women, Girls," February 6, 2017, <https://www.hrw.org/news/2017/02/06/burma-security-forces-raped-rohingya-women-girls>.

UN and other health workers said that after this most recent August 2017 military crackdown, they treated dozens of Rohingya women and girls who had escaped to Bangladesh for injuries consistent with violent sexual attacks.³⁰

One woman told Human Rights Watch that she and four other women were taken to a hut, slashed with knives, and sexually assaulted. The soldiers then set the hut on fire. She is the only one to escape alive. Another woman who was raped still has injuries from the machete attack and beatings that accompanied the rape, and said she also barely managed to escape from a burning house.

One man told Human Rights Watch that he witnessed an army soldier rape three women in Maung Nu village. Two other woman from the same village told Human Rights Watch that soldiers stripped them and several other women who were hiding from the military naked and that they were “touched everywhere.”

D. Crime of Persecution

Persecution is recognized as among the offenses that can constitute a crime against humanity.³¹ The ICC statute defines persecution as “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity.”³² The crime of persecution consists of an act or omission that 1) entails actual discrimination and denies a fundamental human right, and 2) was carried out deliberately with the intention of discriminating on one of the recognized grounds.³³ These include for political, national, ethnic, and religious reasons.³⁴ Persecutory acts have been found to include murder, sexual assault, beatings, destruction of livelihood, and deportation and forced transfer, among others.³⁵

³⁰ Simon Lewis, Tommy Wilkes, “U.N. medics see evidence of rape in Myanmar army ‘cleansing’ campaign,” Reuters, September 24, 2017, <https://www.reuters.com/article/us-myanmar-rohingya-rape-insight/u-n-medics-see-evidence-of-rape-in-myanmar-army-cleansing-campaign-idUSKCN1BZo6X>

³¹ See ICC Statute, art. 7(1)(h); *Nadhimana, Barayagwiza and Ngeze*, ICTR Appeals Chamber, November 28, 2007, para. 985.

³² ICC Statute, art. 7(2)(g).

³³ *Prosecutor v. Krnojelac*, ICTY judgment, IT-97-25T, March 15, 2002, sec. 431.

³⁴ ICC statute, art. 7(1)(h).

³⁵ See Antonio Cassese, ed. *The Oxford Companion to International Criminal Justice*, (Oxford: Oxford University Press, 2009) p. 454.

Acts of violence, restrictions on fundamental rights, and other discriminatory actions – such as depriving members of the population access to their livelihoods or to food – might be considered acts of persecution that amount to crimes against humanity.

Evidence of government intent to commit the crime of persecution against the Rohingya can be found in both the actions and inaction of state security forces, combined with the longtime discriminatory state practices against them, such as restrictions on freedom of movement, marriage, childbirth, education, and employment.

For decades, the Burmese government has considered the Rohingya, most of whom live in northern Rakhine State, to be foreign nationals from Bangladesh. Just over one million Rohingya lived in Burma before August 2017, and they make up a large portion of the country's relatively small Muslim population. The Rohingya have long faced systematic discrimination in Burma based on their exclusion from citizenship under the 1982 Citizenship Law. As a result, the Rohingya are one of the largest stateless populations in the world.

Since the Rohingya lack citizenship, Burmese police, border guards, and local officials systematically subject them to numerous rights-abusing restrictions. Government laws, policies, and practices prevent Rohingya from freedom of movement to leave their villages; restrict their right to livelihoods; interfere with their privacy rights to marry and have children; and obstruct them from access to basic health services and education.

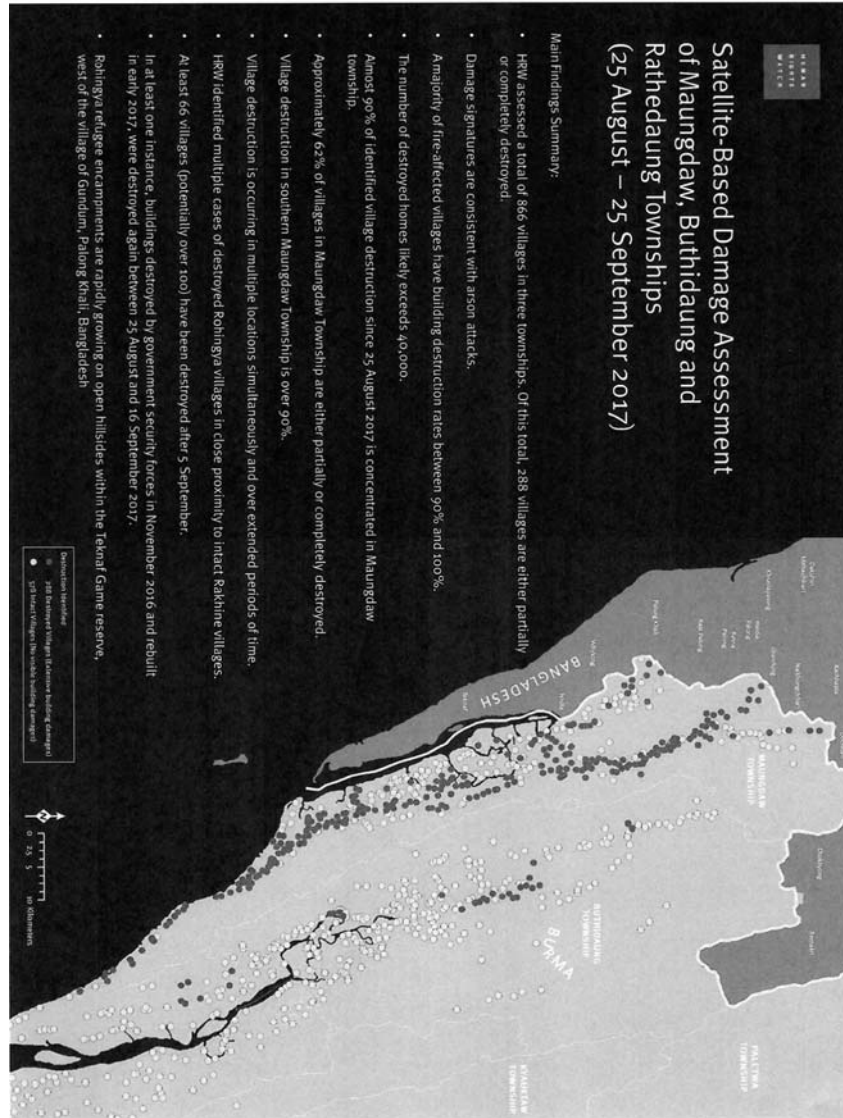
Official restrictions and recurrent military operations against Rohingya communities have left the Rohingya highly dependent on food and other aid distributed by United Nations agencies and humanitarian aid organizations.

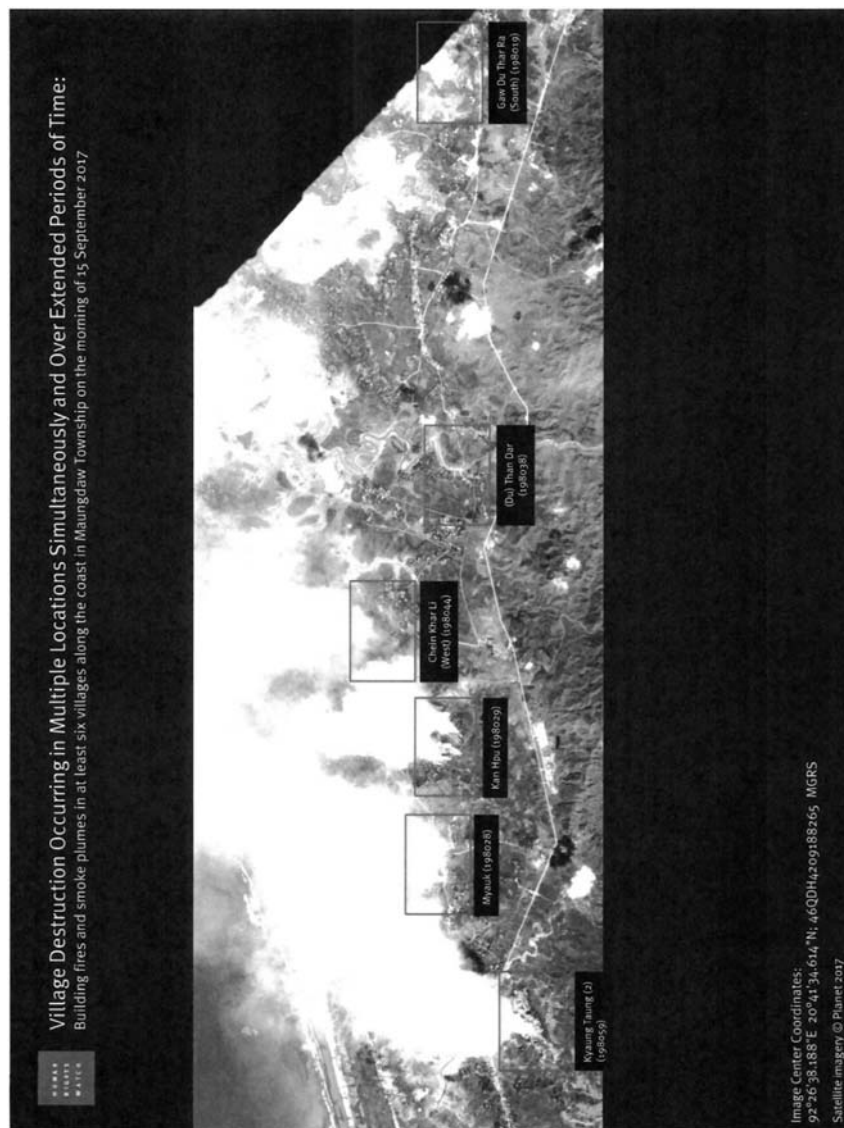
Hostility against aid agencies has grown following government accusations that international aid workers supported the Rohingya militants because some high-energy biscuits distributed by the World Food Program were found in an alleged militant camp in

July 2017.³⁶ Some supply warehouses of international aid groups were reported looted in September, while national and international staff of the UN and international aid organizations have faced intimidation, according to the European Commission's Directorate-General for European Civil Protection and Humanitarian Aid Operations.

³⁶ World Food Program, "World Food Programme Statement, August 29, 2017, https://docs.wfp.org/api/documents/WFP-0000022211/download/?_ga=2.166720382.1774434364.1504902633-504753397.1504902633

ANNEX V.—SATELLITE-BASED DAMAGE ASSESSMENT OF MAUNGDAW, BITHIDAUNG AND RATHEDAUNG TOWNSHIPS (25 AUGUST–25 SEPTEMBER 2017)





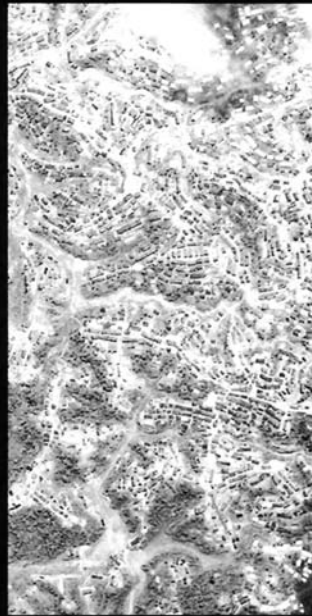




Thousands of Rohingya Families Encamped on Hillsides in Palong Khali, Bangladesh



Satellite image recorded
25 May 2017

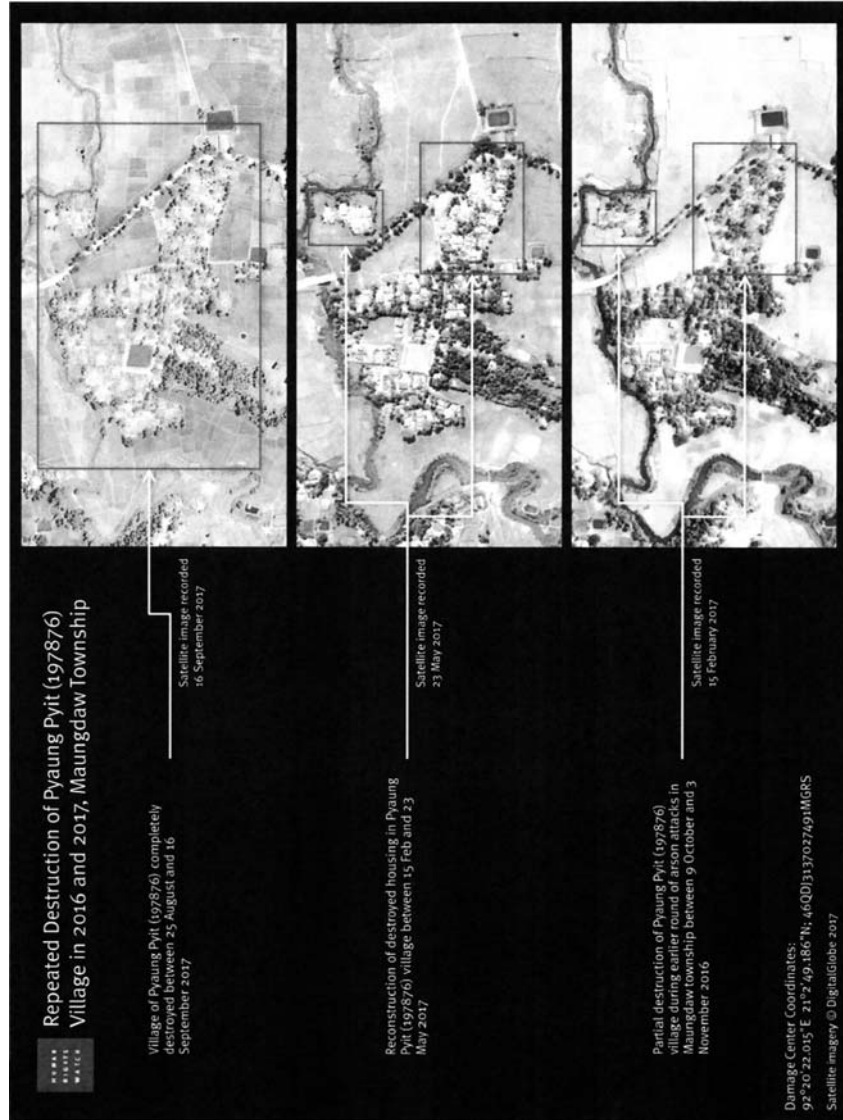


Satellite image recorded
22 September 2017

Refugee Camp Coordinates:
9°2'9" N 92°56'886" E 21°11'46.851" N 46°00'125.944111 MGRS
Satellite imagery © DigitalGlobe 2017







ANNEX VI.—HUMAN RIGHTS WATCH: IMAGES OF WOUNDED
ROHINGYA IN MYANMAR



Kareema Khaltun, 25; Chut Pyin, Rathedaung

“One bullet grazed my arm here and then went into my child. MOHAMMED ANNUS [1.5 years]. Into the stomach. ... As we were fleeing my son kept trying to stay alive, he kept opening his eyes and then they would close again. I kept trying to give him water, I didn’t know what to do. ... We buried him in Ure [village].”



Kareema Khaltun, 25; Chut Pyin, Rathedaung

"One bullet grazed my arm here and then went into my child. MOHAMMED ANNUS [1.5 years]. Into the stomach. ... As we were fleeing my son kept trying to stay alive, he kept opening his eyes and then they would close again. I kept trying to give him water, I didn't know what to do. ... We buried him in Ure [village]."



Mumtaz Begum, 30; Min Gyi, Maungdaw Township

She received burn injuries and three children killed in front of her. She and her daughter survived after escaping a burning house. Surviving daughter, 7, had a wound on her head from a knife attack by the military.



Mumtaz Begum, 30; Min Gyi, Maungdaw Township

She received burn injuries and three children killed in front of her. She and her daughter survived after escaping a burning house. Surviving daughter, 7, had a wound on her head from a knife attack by the military.



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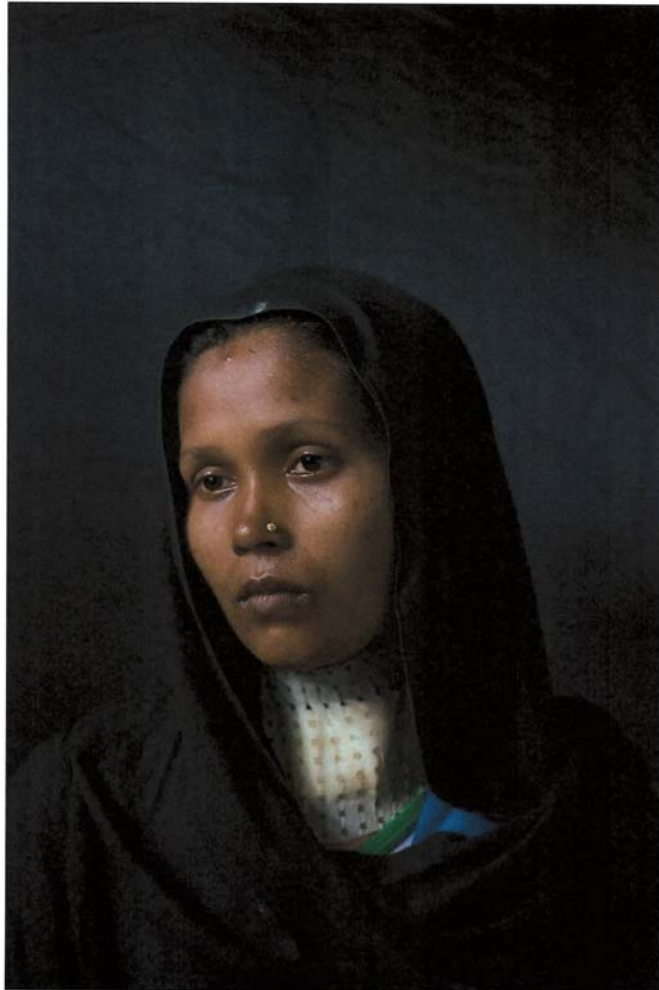
Muhamedul Hassan, 18; Maung Nu, Buthidaung Township.

Muhamedul Hassan, said that a dozen soldiers, led by Staff Sergeant Bajju, took him and two male relatives, Mohammad Zobair and Foyas, from their house to Zahid Hossain's nearby

courtyard. Hassan said that when they got there, there were hundreds of men and boys tied up. He said:

Four soldiers took [me and my relatives] to the corner of the courtyard and shot us each twice in the back. I lost consciousness. When I woke up, I saw many men still tied and [the soldiers] were still killing people. Many were stabbed to death. When I tried to flee I was shot in the chest but was able to escape.

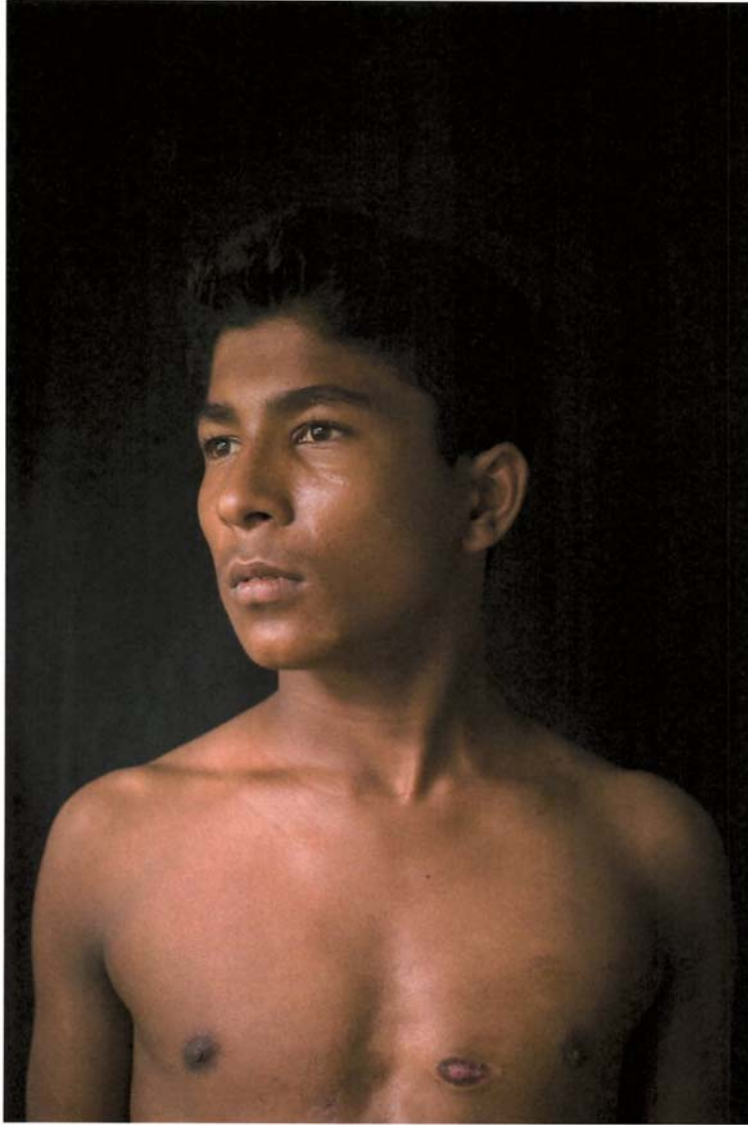
Muhamedul showed Human Rights Watch his bullet wounds. He said that in addition to the two executed beside him, nearly 30 more male relatives were killed that day.



Rashida, 25; Min Gyi, Maungdaw Township.

Three weeks ago, the Burmese army attacked her village, trapping hundreds on the river's edge. The women and children were kept in the water under guard, while the soldiers systematically killed the men.

Then, the soldiers began to take away the women and children in small groups. Rashida was taken to a house with 4 other women. At the house, the soldiers grabbed her 28-day-old baby from her and smashed it to death. Two other women had their three-month old babies killed in the same way.



Mohammed Ayas, 16; Min Gyi, Maungdaw Township.

He is the only surviving member of his family. Everyone else was massacred by Burmese security forces at Min Gyi. Mohammed was shot in the chest.



Zuramin Mohammed Elera; Chut Pyin, Rathedaung.

"I was shot in the arm I fell backwards. It was like I was unconscious, I do not know how long ... then I woke up, my son was crawling on me, I remember he was on me, and then they [unarmed military] snatched him and then they threw him into the fire of the house."



ANONYMOUS, 33, Female; Chut Pyin, Rathedaung

"It was 6 men in total, 5 army men raped me. They killed my brother, there was no one else in the house, they killed him and then they threw me to the side one man tore my trousers grabbed me by the mouth and held me still, he stuck a knife into my side and kept it there while the men were raping me, that was how they kept me in place. I was raped for 2 hours, they came one by one. I was bleeding in the side. I was trying to move and it was bleeding more. They were threatening to shoot me."



Sabikam Nahor, approximately 45; Maungdaw Township.

She lost both of her legs below the knees after stepping on an antipersonnel landmine laid inside Burma near the Bangladesh border. She told Human Rights Watch that the incident occurred on the afternoon of September 4, 2017, after the Burmese military attacked her village, in the northern part of Taung Pyo Let Yar. Nahor said that she was in an outdoor latrine when she heard the shooting and ran toward the Bangladesh border nearby. She said that she had used the same path on many occasions before when she would go to markets across the border. Nahor said she was running when there was a sudden explosion as she stepped on the ground. She fell and, from the ground, saw one of her legs detached from her body. Several Rohingya picked her up and took her across the border, and from there she was transported to a hospital.

ANNEX VII.—STATEMENT SUBMITTED BY JOHN SIFTON, ASIA
ADVOCACY DIRECTOR, HUMAN RIGHTS WATCH

Summary

Since August 25, 2017, Burmese security forces have carried out a campaign of ethnic cleansing against Rohingya Muslims in northern Rakhine State. Over half a million Rohingya have fled Burma to neighboring Bangladesh to escape killings, arson, and other mass atrocities. The Rohingya, effectively denied citizenship under Burmese law, have faced decades of repression and discrimination. Earlier waves of violence in 2012 internally displaced about 120,000 in central Rakhine State, and small pockets of Rohingya remain in several townships there. Violence in late 2016 led to the internal displacement of tens of thousands more and some 87,000 fled to Bangladesh prior to August 2017. Nearly all the Rohingya remaining in Rakhine State now face dire humanitarian conditions, especially in the north. Human Rights Watch staff in Bangladesh and Burma have been interviewing victims and witnesses to the abuses, gathering information from local officials and aid groups, and reviewing satellite data and images, and video, revealing the scope of destruction. The purpose of this submission is to outline some of the findings of that research and analysis and provide recommendations to the British government.

Outline of the crisis

Human Rights Watch has concluded that serious abuses amounting to crimes against humanity have been committed by Burmese security forces in Rakhine State. Crimes against humanity are defined under international law as acts “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.” Types of attacks can include deportation and forced population transfers, murder and attempted murder, rape and other sexual assault, and persecution.

Human Rights Watch has documented that since August 25 such crimes have occurred in Rakhine State. The perpetrators were the Burmese military, on occasion accompanied by local security forces or ethnic Rakhine villagers. The victims were ethnic Rohingya Muslims, primarily in the three northern townships of Rakhine State that border Bangladesh. Specific criminal acts included large-scale and widespread assault, murder and attempted murder, rape and other sexual violence, looting, and arson.

The attacks occurred in the wake of a set of coordinated attacks on August 25 on 30 government outposts by the Arakan Rohingya Salvation Army (ARSA), a small group of poorly armed Rohingya. Since then, nearly all of the attacks Human Rights Watch has documented have involved Burmese government military operations using mortars, artillery, anti-personnel landmines and small arms against Rohingya villagers. These troops have then assaulted men, women, children, and even babies, who were shot, struck, raped, beaten to death, or burned inside their homes.

In almost all cases, victims and witnesses told Human Rights Watch that there were no ARSA members in their midst, and no armed resistance. Witnesses frequently described whole populations of villages fleeing for their lives.

The consequences of the Burmese military's crimes against humanity have been devastating: hundreds and perhaps thousands of Rohingya killed and injured; countless women and girls suffering severe injuries from sexual violence; massive destruction of civilian property; the displacement of well over half a million people into Bangladesh; an unknown number internally displaced within Burma; and the untold human misery of hundreds of thousands of people who have lost family and friends and witnessed atrocities, and now live, displaced, in extreme vulnerability, in open camps, with few possessions and little shelter.

Specific accounts of the atrocities

It would be impossible to summarize fairly all the atrocities described to our staff in Rohingya refugee camps in Bangladesh in September and October, and the destruction observed from satellite images. A few accounts provided here, however, may provide a glimpse into the severity and scope of the violence.

Witnesses and victims in Bangladesh—many of whom show injuries from bullets, shrapnel, knives, or fire—described Burmese military assaults on their villages. For instance, Yasin Ali, 25, said that Burmese security forces attacked his village of Reka Para on August 27. Prior to the attack, tensions had been building in Reka Para and neighboring Rohingya villages as local Rakhine harassed and abused them for months. Ali said: “They would come around to us and say, ‘This is not your land. Don’t cultivate this land, and don’t dare take the food growing on it.’ If we went near their lands, they would beat us with sticks.”

During the August 27 attack, all the villagers went into hiding. Ali said the women and children were sent further away to seek shelter, while the men stayed close by to wait out the attack in the hopes that they could quickly return to the village after the soldiers left. He said he hid by the roadside, about half a kilometer from where the soldiers made their approach. He heard what sounded like mortar shells hitting the village: “I heard boom boom boom, and then I saw the houses just collapse.” After a while, he saw the soldiers advance toward the village, and from his vantage point, he saw that they were carrying small arms and what looked like light machine guns. He also said he saw a mortar system on the shoulder of a soldier, and some apparent mortar rounds the size of a grapefruit.

Ali said that when the soldiers entered the village, they started shooting indiscriminately. He and the other men from the village then decided to run away into the hills for shelter. From the hills, he saw a helicopter painted olive green circle his village four times, and saw something being dropped from the helicopter after which the houses in the village caught fire.

Momena, 32, fled her village of Kirgari Para on August 26 with two of her three children. She said that soldiers had previously attacked the village during the military operations in late 2016, but

the situation in her village had settled down since then. She described the events that prompted her to flee:

I heard the sounds of fighting around 4 p.m. on Friday [August 25]. There was a lot of noise, worse than before. I saw them [the soldiers] myself as they entered my village. I don't know how many there were but it looked like a lot to me. I fled with the other villagers and we sheltered in the jungle overnight. When I returned to the village the next morning, after the soldiers had left, I saw about 40 to 50 villagers dead, including some children and some elderly. All had knife wounds or bullet wounds—some had both. My father was among the dead; his neck had been cut open. I was unable to do last rites for my father, I just fled.

Momena said she had to leave her husband and 10-year-old son behind. She has had no news of them since then. Her husband has no mobile phone and other villagers she is in contact with have heard no news of either of them. She heard that her mother is alive but has no idea where she is or how she is.

From her vantage point while hiding in the jungle, Momena said she could see some of the houses in her village burning at night. She believes soldiers set fire to the houses as a warning to the villagers.

Momena said she did not know of any armed Rohingya militants in the village. She had heard some youth in the village talking about resisting, but she never saw anyone take any action on this, there was just talk. She said many young Rohingya men fled into the jungle after the attack.

In addition to bodies found in her village, Momena said she saw several bodies of children in the Naf River at one of the crossing points into Bangladesh.

One of the worst atrocities Human Rights Watch has documented occurred in Maung Nu, in Buthidaung Township, after ARSA militants attacked a checkpoint manned by the Border Guard Police (BGP) on August 25 in Hpaung Taw Pyin, just north of Maung Nu. Human Rights Watch spoke with 14 survivors and witnesses from Maung Nu and surrounding villages. The witnesses, now refugees in Bangladesh, said that after the ARSA attack, they fled their villages fearing retaliation. Several hundred gathered in a large residential compound in Maung Nu.

The witnesses described how several Burmese soldiers entered the compound and took several dozen Rohingya men and boys hiding in buildings into the courtyard, bound their hands behind their backs, and beat them, stabbed and slashed them with long knives, and shot at them with rifles. Others were killed as they tried to flee. The soldiers then loaded the bodies—some witnesses said a hundred or more—into military trucks and took them away.

Abdul Jabar, 60, said the soldiers made some of the men kneel down as they struck them with the butts of their rifles and kicked them repeatedly before killing them: “[T]hey killed people from the back with machetes and they also fired on them with their guns.”

Mohammad Ayas, 29, said that he managed to hide in the rafters of the house and saw soldiers kill numerous people: “They are

slaughtering them just like they are clearing the jungle with their thin, sharp, and long knives.”

Muhamedul Hassan, 18, described how a dozen soldiers took him and two male relatives, Mohammad Zobair and Foyas, from a house to a nearby courtyard. Hassan said that when they got there, there were hundreds of men and boys tied up. He said:

Four soldiers took [me and my relatives] to the corner of the courtyard and shot us each twice in the back. I lost consciousness. When I woke up, I saw many men still tied and [the soldiers] were still killing people. Many were stabbed to death. When I tried to flee I was shot in the chest but was able to escape.

Muhamedul showed Human Rights Watch his bullet wounds. He said that in addition to the two executed beside him, nearly 30 more male relatives were killed.

Witnesses also described seeing children executed. Khotiaz, 28, recounted the killing of her nephew: “When Bajú entered the room, there was my nephew, Mohammad Tofail. He was 10 years old. He was a student of class two. First Bajú shot him in the head, his skull shattered into four pieces. Then he fell down. I saw there were brain and blood on the floor.”

Mustafa, 22, said: “There was a pit with [the bodies of] 10 to 15 children, all under 12 years old. They were all young children hacked to death. I recognized four of the bodies: Hakim Ali, 9; Naim, 8; one child from Pondú Para, who was about 10; and Chau Mong, who was 7.”

Witnesses said that after the killings, the soldiers gathered the bodies on green tarps and loaded them onto pushcarts, then brought the bodies to military vehicles. The removal of bodies took hours, several witnesses said.

“I saw outside that there were piles of dead bodies,” Mustafa said. “I could see the soldiers using carts [to move the bodies] and I recognized one of the carts was mine.” Mustafa said he heard the sounds of the trucks and vehicles for four hours.

Human Rights Watch has also documented accounts of another massacre in the township of Tuljtoli, in which possibly hundreds of Rohingya were killed.

Sexual violence and rape

In many of the attacks and massacres Human Rights Watch documented in Rakhine State occurring in August-September 2017, we found numerous cases of rape and other forms of sexual violence against Rohingya women and girls. Reported abuses were brutal, humiliating, and traumatic.

Human Rights Watch interviewed 52 Rohingya women and girls who had survived horrific abuses by Burmese military and other security personnel since August 25. Thirty of these women and girls were rape victims. Most of the other interviewees had been forced to flee in late stages of pregnancy, had given birth on their journey, or had witnessed their young children being killed by security forces. Human Rights Watch interviewed rape survivors from 19 different villages, mostly in Maungdaw and Buthidaung townships.

Human Rights Watch found that women and girls were raped and sexually assaulted both during major arson attacks on villages and in the weeks running up to these major attacks after repeated harassment. In every case described to us, the perpetrators were uniformed members of security forces, almost all military personnel. They wore either camouflage uniforms or plain green uniforms, or a mix of both. All the rapes reported to Human Rights Watch were gang rapes, involving two or more perpetrators, and in every case except for one the victim was penetrated by more than one attacker. In many of the cases women and girls reported being raped by six or more perpetrators.

A 15-year-old from Hathi Para village in Maungdaw Township said she was dragged across the ground from her home, tied to a tree and then raped from behind by 10 soldiers. "They then left me where I was. When my brother and sister came to get me I was lying there on the ground, they thought I was dead," she said.

Six rape survivors said that they were among a group of women and girls who were gathered together and then raped by soldiers. "Maybe we were some 30 women. If a woman said anything she was beaten. They [military] would pull women to the side and just rape her there so everyone could see," a 20-year-old woman from a Buthidaung township village said.

The gang rapes often resulted in serious genital injuries and bleeding which worsened as fleeing women were forced to walk for days, including up and down steep hills. Several of the victims reported ongoing physical and mental health problems at the time of the interview, including urinary tract infections, vaginal bleeding, pain, poor sleep, poor appetite, and intrusive thoughts.

Victims and witnesses said that security forces often raped women and girls in their homes, and often in sight of their children. Other women and girls were raped as they fled villages. Human Rights Watch documented the particularly cruel nature of these attacks: women reporting rapists laughing, kicking or hitting them or their children, and biting or pressing the barrel of guns hard against their breasts.

Although our research focused on identifying and interviewing rape survivors, a high proportion of those we spoke to had also witnessed killings of family members. The killings of their children were especially brutal and traumatic. A 30-year-old woman from Ta Mi village in Buthidaung township said: "I have three kids now. I had another one Khadija, she was 5-years-old. When we were running from the village she was killed in the attack. She was running last, less fast, trying to catch up with us. A soldier swung at her with his gun and bashed her head in, after that she fell down. We kept running."

Other women were forced to leave behind children. "I grabbed one, I left one," one woman said, describing the moment her house caught on fire and began collapsing around her.

Human Rights Watch interviewed other women who had lost their husbands, either to killings or what appear to be arbitrary arrest by security forces. Their fears included not only the intrusive memories of the terror they lived through but also anxiety over how to cope as a single parent with sometimes five or more children while in a refugee camp in Bangladesh.

Ethnic Rakhine villagers backed by the security forces often robbed women and girls, including in ways that were sexually abusive, for example grabbing at or fondling their breasts while searching for money kept in their blouses. Women described weeks of harassment leading up to major attacks as extremely stressful, they never knew whether the Rakhine villagers or security forces would come and what they would do.

The Burmese government has repeatedly refused to acknowledge these abuses despite a strong and growing evidence base. In early September, Rakhine State minister for border security, Col. Phone Tint, denied reports of military abuses involving sexual violence. “Where is the proof?” he asked. “Look at those women who are making these claims—would anyone want to rape them?”

These types of denial are not new. In December 2016, the Burmese government contested reports of the military’s use of sexual violence in a press release published under the headline, “Fake Rape.” Human Rights Watch and other groups documented widespread rape and other sexual violence by security forces during the military operations starting in October 2016.

What to do now

In a world already beset with large-scale human tragedies, the Rohingya crisis—both the crimes against humanity committed in Burma and the massive new displacement into Bangladesh—comprises one of the world’s worst human catastrophes.

While the origins and root causes of the Rohingya crisis deserve attention, the immediate task is to prevent further abuses and protect those still at risk, and feed, shelter, and care for the displaced. There is also a need to negotiate a process that would allow the Rohingya to safely and voluntarily return to their homes in Burma, and for those who cannot or will not return, determine how they can be settled in Bangladesh or resettled to third countries.

In dealing with the Burmese government, two things are clear:

First, it would be a mistake to focus criticism primarily on Burma’s de facto leader, Aung San Suu Kyi, disappointing as she has been in responding to the crisis. She and other government officials have largely denied—and are still denying—allegations of atrocities, calling them fabrications. In early September, Aung San Suu Kyi spoke of an “iceberg of misinformation” about abuses, and in a speech on September 19 appeared alarmingly ignorant of the overall situation, noting at one point: “We want to find out why this exodus is happening.” In subsequent statements, she has noticeably failed to acknowledge any wrongdoing by government forces.

Yet it is Burma’s military leaders who are in charge of the forces committing the abuses, and are in the best position to end them. In debating next steps on the Rohingya crisis, concerned governments need to focus primarily on the military, and consider what measures might best impact its actions.

Second, it is clear that in dealing with the Burmese military—and the government at large—condemnations and pleas are not enough.

Burma’s military leaders are in a state of denial—or worse. The commander-in-chief of the military, Sr. Gen. Min Aung Hlaing, re-

cently made statements suggesting that the Rohingya do not even exist, that Burma's Rohingya population are in fact "Bengali," and that ongoing military operations are aimed at "unfinished business" from the Second World War. These are divisive, unsupported allegations that the Rohingya, despite living in the country for generations, are foreigners. They are clear allusions to mass killings of Rohingya that occurred in 1942 and are reflected in the killings and arson that have occurred in recent years.

In another speech on September 21, Min Aung Hlaing essentially embraced that the campaign had comprised ethnic cleansing, referring to "national races," a term from Burmese law referring to a list of officially recognized indigenous ethnic groups—a list that does not include Rohingya. "Regarding the rehabilitation of villages of our national races, for the national races who fled their homes [mostly ethnic Rakhine Buddhists], first of all they must go back to their places," he said. "The important thing is to have our people in the region. It's necessary to have control of our region with our national races. We can't do anything if there are no people from our national races . . . that is their rightful place."

These comments reveal that Burma's military leaders are not communicating on the same wavelength as the rest of the international community. They are not prepared to appreciate or even hear its verbal denunciations and demands. So the time has come to impose targeted sanctions and other measures that carry a real practical or financial cost on Burma's senior military command. It may be impossible to convince the military leadership to care about the Rohingya, but it might be possible to stop them from killing or displacing any more Rohingya—if the consequences of continuing such abuses create a burden that military leaders don't want to bear.

The United Nations Security Council, and concerned member states bilaterally, need to impose targeted sanctions on Burmese military leaders and key military-owned enterprises, including travel bans and restrictions on access to financial institutions, and impose a comprehensive military embargo on Burma. In many countries, a sanctions framework is already in place, and it was not that long ago that targeted sanctions were lifted in recognition of the country's efforts to transition to democracy.

The Security Council should also insist that persons responsible for grave abuses be held accountable for their crimes, and press Burmese authorities to cooperate with the U.N. Fact-Finding Mission established by the U.N. Human Rights Council and grant unfettered access to its staff to Burma, including Rakhine State. The council should send a clear message that it stands ready to take additional steps to ensure justice including through the International Criminal Court, and urge member states to pursue other mechanisms that might provide justice for recent abuses.

These measures are not merely meant to deter more atrocities. Sanctions should be glued to demands that multinational organizations and governments have made, setting them as benchmarks the Burmese military needs to meet for sanctions to be relaxed: stopping abuses, allowing humanitarian access to people in need, allowing access by the U.N. Fact-Finding Mission and journalists and other independent monitors, allowing refugees to safely and volun-

tarily return, and prosecuting those responsible for abuses, including as a matter of command responsibility. Prior to the recent crisis, the Burmese government pledged to take other steps laid out in the recommendations of the recent Advisory Commission on Rakhine State led by Kofi Annan; the military's cooperation on that should be another benchmark.

Concerned governments shouldn't wait for the United Nations to act, however. European Union member states, including the United Kingdom, as well as the United States, Australia, Canada, and ASEAN member states, should impose or re-impose bilateral sanctions on military commanders and military-owned enterprises, and expand existing arms embargoes to include all maintenance, assistance, training and cooperation with the Burmese army. The U.S. should place senior military leaders and key military-owned enterprises on the "Specially Designated Nationals" list that restricts travel to the U.S. and access to U.S. companies and financial institutions. The EU and its member states should renew their versions of the same restrictions.

For those who worry that tough responses may worsen the situation or weaken the international community's influence, one could ask: What influence? And how much worse can things get? What is the alternative plan for compelling the Burmese military to stop its abuses?

ANNEX VIII.—TESTIMONY OF WITNESSES TO CRIMES AGAINST HUMANITY IN MYANMAR



SEPTEMBER 29, 2017 12:03PM EDT DISPATCHES

Rohingya Children Witness Crimes Against Humanity

Orphans are traumatized after Burmese Security Forces Abuses



Peter Bouckaert
Director, Emergencies
bouckap

“Abdulaziz” is only nine years old, but his serious look and stern demeanor makes him seem much older. There’s a reason for that: three weeks ago, he watched Burmese soldiers murder his parents and siblings, and now he has to look after his little brother, “Zahid,” 6, the only survivors from what was once a family of seven.

When Burmese soldiers attacked hundreds of Rohingya Muslims in the village of Tu Lar To Li on August 30, Abdulaziz took his brother Zahid by the hand, and together they swam across an adjoining river to escape, even as soldiers fired at them, killing some of those swimming alongside.

From across the river, the little boys watched as the soldiers first shot dead their father Mufiz, 35, and then took their mother Rabu, 30, their brothers Janatullah, 10, and Shabullah, 5, and their sister Mumtaz, 3, into a nearby house. The house was soon engulfed in flames.

Nearby in the sprawling Kutupalong refugee camp on the Bangladeshi side of the border stood another little boy, 10-year-old “Ali,” whose parents and three siblings were killed in the same massacre by the Burmese military. According to those taking care of him, Ali has not spoken since the killings.

The ethnic cleansing against the Rohingya Muslims since an attack by Rohingya militants on police posts in late August has harmed countless children, many of them shot or hacked to death by uniformed soldiers.

Approximately 480,000 Rohingya have fled to Bangladesh, and according to UNICEF the majority among them are children. These children are deeply traumatized and have had their lives ripped apart by the violence they have experienced and witnessed.

Reading about half a million Rohingyas fleeing violence in Burma in just over one month may leave many feeling powerless. But each refugee, like Abdulaziz and his brother Zahid, have real needs that can be met – from safe shelter, food, and clean water, to psychosocial counseling to deal with the trauma they experienced, and, urgently, an education

that can eventually help them realize their full potential. Sadly, the United Nation's emergency request for funding for education has fallen on deaf ears, even though more than 100,000 of the refugees are children who should soon be in school.

Those responsible for these crimes need to be held accountable. But for the children who have lost their families, experiencing some sense of normalcy, as well as justice, is essential to healing such deep wounds.

Region / Country

- [Asia](#)
- [Burma](#)

Topic

- [Children's Rights](#)
- [Refugees and Migrants](#)

Tags

- [Rohingya Crisis](#)

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Two brothers, "Abdulaziz" (age 9) and "Zahid" (age 6), watched from across the river as their family was massacred. They watched the attackers execute their father along with the other men in the village, and then take their mother and three siblings to a house which was set on fire, Kutupalong camp, September 25.

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'Safe Zones' for Rohingya Refugees in Burma Could Be Dangerous

Deadly Experiences in Bosnia and Sri Lanka Should Serve as Warning

By Richard Weir

When Bangladesh's prime minister, Sheikh Hasina, spoke at the United Nations General Assembly this week, she focused on the humanitarian challenges of hosting 400,000 Rohingya Muslims from northern Rakhine State in Burma. They have arrived destitute, victims of a state-led campaign of ethnic cleansing that began after Rohingya militants attacked some 30 police outposts on August 25.

The situation of the Rohingya refugees is dire: they live in squalid conditions, crammed into a staggering sprawl of rudimentary shelters of sticks and tarps. Many lack food, medical services, and toilets. The rainy season makes everything worse.

The Bangladesh government is seeking answers on dealing with the influx. In her speech, Sheikh Hasina offered to create "safe zones" inside Burma where Rohingya refugees could return. Few details of this proposal have emerged, other than that the UN would supervise these areas.

It's not clear whether those governments intending to assist the refugees would support this, but first a word of caution. "Safe zones" rarely if ever live up to their name, even with UN peacekeepers on patrol. In Bosnia-Herzegovina, the safe area of Srebrenica, protected by UN peacekeepers, was overrun by Bosnian Serb forces who promptly executed some 7,000 men and boys, and raped women and girls. In Sri Lanka, government-declared safe zones became kill zones: the Liberation Tigers of Tamil Eelam refused to let civilians leave and the military shelled the areas, killing countless civilians.

And even if such zones aren't attacked, without effective humanitarian aid supplies and freedom of movement for those inside, conditions within "safe zones" could be as bad, if not worse, than in refugee camps across the border.

[Human Rights Watch has previously laid out its numerous concerns](#) for governments and organizations when considering creating "safe zones." Given the Burmese military's brutal and unrelenting campaign against the Rohingya, no one should be under any illusion that it will allow a "safe zone" to actually be safe.

Burma is Playing Politics with the Dead

Alleged Atrocities Need International Inquiry

By Meenakshi Ganguly

Burma's military announced this week that it had dug up 28 bodies in a mass grave in northern Rakhine State. The following day, they claimed to have found another 17 bodies. While continuing to block independent observers from the area, the military suggested that dozens of Hindu, a minority community, were "cruelly and violently killed by extremist Bengali terrorists." Those unsubstantiated claims were splashed across the local press and social media as ostensible proof of the threat Burma faces from the Arakan Rohingya Salvation Army (ARSA).

While ARSA did attack over two dozen police outposts and an army base in late August – which sparked a Burmese military campaign of ethnic cleansing against the Rohingya population, forcing more than 400,000 people to flee to neighboring Bangladesh – no one has been able to independently verify the Burmese government's most recent allegations. While Burmese authorities have put on a stage-managed tour to the Hindu village in question, as well as Rohingya villages unaffected by the recent violence, they have denied access to independent monitors to the mass graves and the rest of northern Rakhine State. If indeed ARSA responsibility is impartially and credibly established, those responsible should be held to account.

The government's quick conclusion on ARSA's guilt contrasts sharply with its own unwillingness to credibly investigate countless alleged crimes committed by its own forces against Rohingya Muslims.

Refugees in Bangladesh have described horrific accounts of soldiers conducting summary executions, burning people alive, and rampant sexual violence. Many Rohingya bear terrible injuries from attacks with spades, machetes, or guns. Human Rights Watch has concluded that these abuses against the Rohingya population are crimes against humanity.

The Burmese government should care about all its citizens – Hindu and Muslim, as well as majority Buddhists. While it has the responsibility to respond to security threats, it needs to do within the restraints of the law.

Burma's government should stop playing politics with the dead. Beyond stopping military atrocities, it should allow the United Nations fact-finding mission into the country to investigate all crimes.

Watching Burma in Flames from Bangladesh

Rohingya Muslims Flee Burmese Army, Seek Aid Abroad

By Tejshree Thapa

I stood at the edge of the Naf River on the Bangladesh border watching heavy smoke rise from a village on the Burma side. Bangladeshi border guards talked of fires all along the border targeting villages of Rohingya Muslims.

The fear was palpable among those I met who have recently escaped into Bangladesh. In fact, hundreds upon hundreds have been pouring across every border crossing. In the 20 minutes I was at just one of the many Naf crossings, I counted several hundred people enter Bangladesh – from mothers with babies to the elderly and infirm. One young man said that he feared a further violent crackdown: “Now all we have are empty villages without even the men. We sent our women and children out, but now we had to leave as well.”

New satellite data obtained and analyzed by Human Rights Watch show widespread burnings in northern parts of Burma’s Rakhine state.

Terrified Rohingya who have arrived in Bangladesh said that Burmese soldiers, police, and ethnic Rakhine mobs had carried out armed attacks on villagers and burned down their homes. In Bangladesh, I met many in the overcrowded Cox’s Bazar hospital suffering from bullet and shrapnel wounds.

United Nations officials estimate that more than 70,000 have crossed into Bangladesh since Burmese forces began operations against Rohingya villages following after a series of coordinated attacks by Rohingya militants in late August. The Arakan Rohingya Salvation Army (ARSA) reportedly attacked at least two dozen police posts and checkpoints and a military base. The government reported that 11 security force members and many alleged militants had died. There are reports that hundreds of villagers have since been killed in the government operations.

The Burmese government says that it is ARSA militants and Rohingya villagers who are burning villages, but has not provided any evidence to support these allegations. After similar allegations during the burning of Rohingya areas between October 2016 and December 2016, Human Rights Watch and others determined that Burmese security forces deliberately set those fires.

In the Bangladesh border area, the recently arrived Rohingya seek space wherever they can find it – on roadsides, hill slopes, and market towns. Grateful to have escaped, they worry about family members still in Burma.

Humanitarian supplies are scarce. Aid workers say the available high-energy biscuits won’t cover the new arrivals. Thousands of children also need schooling and the youngest will need vaccines.

The tragedy facing the Rohingya is multifaceted, and will require tremendous resolve to remedy. It demands the world’s attention, and fast.

Witness to Carnage in Burma's Rakhine State

Burmese Soldiers Kill Her Baby, Slaughter Her Family and Neighbors

By Peter Bouckaert

Hasina is a soft-spoken 20-year-old Rohingya woman from Rakhine State in Burma. She asked us to use her picture and tell her story so the world knows what is happening there.

Her village, Tula Toli, was attacked in late August by the Burmese army on a rampage of killing and arson after Rohingya militants carried out coordinated strikes on police posts. The villagers ran when the soldiers came, but some were trapped on a river bank. Dozens, Hasina said, were murdered on the beach in front of her eyes, but the nightmare was only beginning.

The army forced Hasina and many other women to stand waist-deep in water and watch while soldiers dug a pit to burn the bodies of those they had killed. She tried to hide her infant daughter under her shawl, but a soldier noticed the baby, snatched her away and tossed her into the fire.

Hours later the soldiers took Hasina, her mother-in-law, sister-in-law and three other relatives, all children, to a nearby house. The soldiers tried to rape the women, knifing the mother-in-law to death when she resisted and beating Hasina and her sister-in-law unconscious. They beat the young children to death with spades.

When Hasina regained consciousness, she found herself inside the house. It was on fire, and she had been left locked inside by the soldiers. Her sister-in-law was alive, too. They managed to escape the flames, but with serious burns. Badly injured, they somehow made their way to Bangladesh. Both still have burn injuries. Hasina's sister-in-law, who confirmed this horrible incident, showed us a big gash on the back of her head from when she had been beaten unconscious, and that a doctor had stitched.

Hasina insisted we take her picture and show her face to the world. For her, it is a brave act of defiance to those who sought to eliminate her and her family.



SEPTEMBER 12, 2017 1:13PM EDT DISPATCHES

Pakistan Should Back Rohingya Rights Abroad and at Home

Longtime Refugees from Burma Denied Citizenship, ID Cards



Saroop Ijaz

Pakistan's foreign minister has expressed "deep anguish" at the ongoing violence against Rohingya Muslims in Burma. The foreign secretary has summoned the Burmese ambassador and registered an official protest. And Pakistan's parliament has urged the government to press the issue on the international stage.

Like other countries around the world, Pakistan has expressed horror at the Burmese government's brutal crackdown against the Rohingya, which Human Rights Watch found bears all the hallmarks of an "ethnic cleansing" campaign. More than 350,000 Rohingya have crossed into neighboring Bangladesh, fleeing abusive security operations by the Burmese military that began soon after a Rohingya armed group attacked police and army security posts. Inside Burma's western Rakhine State, village after village is being burned down, the smoke visible from the skies and across the border. Rohingya refugees have described the military's use of small arms, mortars, and armed helicopters to chase them out of their homes.



Rohingya immigrants living in Pakistan, react during an interview with Reuters at their residence in Arkanabad neighborhood in Karachi, Pakistan September 7, 2017.

Given the terrible violence being visited on them inside Burma, Pakistan's concern for the plight of the Rohingya is welcome. But attitudes closer to home are less inspiring.

Officially, 55,000 Rohingya live in Pakistan today, many in the Arkanabad neighborhood of Karachi. Many of these Rohingya families, who actually may number up to 300,000 people, first came to Karachi after a repressive military regime took power in Burma in 1962. Yet half a century after arriving in Pakistan, the Rohingya in Karachi are still unable to obtain citizenship, and those who arrived after Pakistan's 1971 civil war cannot get national identification cards, which leaves them unable to enroll their children in public schools, use government health facilities, or even open bank accounts. They are effectively rendered "stateless" — precisely the same indignity to which the Rohingya have been subjected in Burma. Their uncertain legal status makes the Rohingya living in Pakistan vulnerable to harassment, extortion, and discrimination.

Pakistan should use all diplomatic channels on its own and in concert with other countries to press Burma to halt its violent campaign targeting the Rohingya. But the Pakistani government also needs to start treating Rohingya on its own soil better too, and it should start by guaranteeing them the same basic rights and constitutional protections other Pakistanis enjoy.

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September 11, 2017 News Release

Burma: Ensure Aid Reaches Rohingya

SEPTEMBER 11, 2017 4:38PM EDT DISPATCHES

Where is the World Bank While Burma is Burning?

Violence against Rohingya Risks Country's Development

**Jessica Evans**

Senior Researcher/Advocate for International Financial Institutions

@evans_jessica

The World Bank eagerly reengaged in Burma, also known as Myanmar, the moment the country began to open up and military rule was replaced with a military-backed elected government. Now the World Bank invests more than US\$2 billion in the country, celebrating that it has “[fully reengaged with the government](#)” to support reforms that will benefit all of the people of Myanmar, including the poor and vulnerable.”

But the institution is staying woefully silent as Burma’s security forces are committing rampant atrocities against the Rohingya Muslim population, in response to attacks by a Rohingya armed group on police outposts. The Rohingya, having suffered decades of state repression, are one of the poorest and most marginalized ethnic groups in the Buddhist-majority country.

The United Nations [estimates 313,000 Rohingya](#) from Burma’s western Rakhine State have sought refuge in neighboring Bangladesh in the past two weeks. The refugees have [described](#) killings, shelling, and [arson in their villages](#) that have all the hallmarks of a government campaign of “ethnic cleansing.” New satellite data obtained and analyzed by Human Rights Watch shows [widespread burnings](#) in Rohingya villages.

In 2012 the World Bank [downplayed the violence in Rakhine State](#) as “localized instances of communal violence.” But since 2015, following [criticism](#), it recognized that Burma’s government has been [fueling institutionalized discrimination against the Rohingya](#). Now it needs to go even further.

World Bank President Jim Yong Kim should denounce the Burmese government’s abuses. He should highlight how this attack on the Rohingya population runs roughshod over the government’s commitments to advance social and economic development, putting the bank’s investments at risk and undermining its twin goals of eliminating extreme poverty and boosting shared prosperity. The bank should also publicly offer to assist implementing the [recommendations of the Advisory Commission on](#)



Rohingya refugees jostle to receive food distributed by local organizations in Kutupalong, Bangladesh, September 9, 2017.

© 2017 Danish Siddiqui Reuters

Rakhine State, led by former UN-secretary general Kofi Annan. Ironically, the bank's silence on the Rohingya is happening as the World Bank and UN prepare to launch their flagship report on development and the prevention of violent conflict.

Jim Yong Kim has emphasized how institutionalized discrimination is bad for people, societies, and economies. His integration of non-discrimination into the bank's work can be his legacy for the institution – but only if he tackles the most serious abuses as they arise. He should start by speaking out against the horrifying situation unfolding in Burma.

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September 11, 2017 News Release

Burma: Ensure Aid Reaches Rohingya



SEPTEMBER 6, 2017 1:17PM EDT DISPATCHES

Why Britain is Still Getting it Wrong on Burma

UK Government Should Stop Deferring to Aung San Suu Kyi

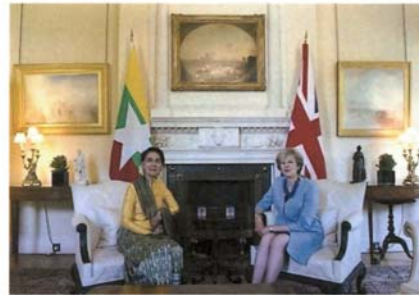


David Mephram
UK Director
mephamd

For far too long, British policy toward Burma has deferred heavily to the views of its de facto leader, Aung San Suu Kyi. UK Foreign Secretary Boris Johnson was at it again at the weekend, suggesting she use her “remarkable qualities” to unite her country and stop the violence in Burma’s western Rakhine State, which, he said, afflicts “both Muslims and other communities.” This after a fortnight in which hundreds of Rohingya Muslims have been reported killed, their homes burnt to the ground, and more than 120,000 desperate people have fled for their lives to neighbouring Bangladesh to escape the vicious brutality of the Burmese security forces. This followed a coordinated attack by Rohingya militants on two dozen police and border posts in late August. Security force operations in response to the attacks last year were described by the United Nations as very likely crimes against humanity.

Faced with these appalling developments, Suu Kyi has uttered not a word of condemnation. On the contrary, her office has added fuel to the fire by claiming – with breathtaking irresponsibility – that international aid groups are supportive of terrorism. Her pusillanimous stance has triggered widespread criticism, including from the fellow Nobel Peace laureate, Malala Yousafzai.

So, what should the British government do?



Britain's Prime Minister, Theresa May greets the Burmese leader and State Counsellor, Daw Aung San Suu Kyi in N10 Downing street in London, Britain 13 September 2016.

© 2016 Reuters

First, it needs to address the dire humanitarian situation on the ground, both in Bangladesh and inside Burma. Many refugees have not eaten properly for days, and require specialized medical help. The Burmese government is disgracefully hindering international relief efforts, and should face additional pressure from the UK and other countries to ensure unimpeded access.

Second, there should be much greater pressure on the Burmese government to permit an international investigation of the many egregious abuses so that those responsible can be held to account. It's outrageous that the Burmese government says it will bar the UN-mandated international fact-finding mission tasked with investigating abuses in Burma, which was established in March 2017 with the support of the UK government.

Third, the UK and others should press Burma to address the underlying causes of this crisis, most obviously, the denial of nationality and legal status of nearly one million Rohingya who have lived in Burma for generations.

More of the same is not an option. The gravity of this crisis requires a major shift in British government policy. Aung San Suu Kyi's reputation lies in tatters, and it's unconscionable that UK policy should continue to follow her lead.

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- [Rohingya Crisis](#)

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SEPTEMBER 6, 2017 6:14PM EDT DISPATCHES

Burma's Rohingya Need the World's Attention

UN Security Council Should Break Its Silence



Akshaya Kumar
Deputy United Nations Director
@AkshayaSays

It's rare to see the United Nation's top diplomat take the uncomfortable step of telling the Security Council, the world's most powerful political body, what to do. But, that's exactly what UN Secretary-General Antonio Guterres did this week, by asking the council to step up its response to the violence sweeping Burma, also known as Myanmar.

In a public letter, Guterres made it clear that he thinks the "international community has a responsibility to undertake concerted efforts to prevent a further escalation of the crisis." In response to a question posed by a UN reporter yesterday, Guterres also warned "we're facing a risk" of ethnic cleansing in the country.

The numbers underlying the crisis are staggering. Hungry and weak, about 146,000 ethnic Rohingya refugees have fled to Bangladesh in the span of 11 days. Human Rights Watch analyzed satellite imagery showing the widespread burning of 21 distinct parts of Burma's Rakhine State, including one Rohingya village where 99 percent of all structures were razed. Guterres warned the Security Council that he is "deeply concerned" about the risks of the situation "degenerating into a humanitarian catastrophe" that expands far beyond Burma's borders.

This wouldn't be the first time these kinds of crimes have been committed there. In 2012, violence against Rohingya and Kaman Muslims in Rakhine State resulted in what Human Rights Watch found to be ethnic cleansing and crimes against humanity. Back then, Buddhist monks and ethnic Rakhine villagers carried out the killings with help from the state security forces. This time, the military, initially responding to a series of attacks by a Rohingya armed group, appears to be in charge of operations.

So far, the Security Council has said nothing publicly about a situation that the UN special advisor for the prevention of genocide has warned "can be the precursor to all the egregious crimes – and I mean genocide."



Rohingya refugees walk on a muddy path as others travel on a boat after crossing the Bangladesh-Myanmar border, in Teknaf, Bangladesh, September 6, 2017.

© 2017 Reuters

For years, the Security Council has tiptoed around the precarious situation in Rakhine State. Burma's national security advisor has even bragged that he can count on powerful permanent Security Council members China and Russia to prevent an open discussion of the crisis. In the past two weeks, the Security Council has met just once to discuss the situation in a short meeting held behind closed doors.

The ball is now in the Security Council's court. Council members should call for a public briefing by the secretary-general on the situation in Burma, demand authorities allow humanitarian aid to flow freely to the population at risk, and warn that a failure to cooperate with the UN-backed fact-finding mission will result in international sanctions. Most importantly, the Security Council needs to call on the Burmese government to immediately end atrocities against the Rohingya people. Even powerful allies should not be shielding Burma from the world's scrutiny.

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September 6, 2017 Dispatches

[Why Britain is Still Getting it Wrong on Burma](#)

ANNEX IX.—MISSION REPORT OF OHCHR RAPID RESPONSE MISSION
TO COX'S BAZAR, BANGLADESH (13–24 SEPTEMBER 2017)

**Mission report of OHCHR rapid response mission
to Cox's Bazar, Bangladesh**

13-24 September 2017



1. Summary of findings

Credible information gathered indicates that the destruction of Rohingya villages in northern Rakhine State, and other serious human rights violations committed in the aftermath of the 25 August attacks, were executed in a well-organised, coordinated, and systematic manner. The information reveals that these human rights violations were committed against the Rohingya population in northern Rakhine State by the Myanmar security forces often in concert with armed Rakhine Buddhist individuals.

The manner in which the villages, home and property of the Rohingya across northern Rakhine State has been destroyed points to it being well-organised and coordinated, thereby challenging the assertion that it was merely collateral damage of the military security operations following the alleged attack against police outposts and on a regimental headquarters across locations in northern Rakhine State, allegedly by the Arakan Rohingya Salvation Army (ARSA).

Credible information indicates that the Myanmar security forces purposely destroyed the property of the Rohingyas, scorched their dwellings and entire villages in northern Rakhine State, not only to drive the population out in droves but also to prevent the fleeing Rohingya victims from returning to their homes. The destruction by the Tatmadaw of houses, fields, food-stocks, crops, livestock and even trees, render the possibility of the Rohingya returning to normal lives and livelihoods in the future in northern Rakhine almost impossible. It also indicates an effort to effectively erase all signs of memorable landmarks in the geography of the Rohingya landscape and memory in such a way that a return to their lands would yield nothing but a desolate and unrecognizable terrain. Information received also indicates that the Myanmar security forces targeted teachers, the cultural and religious leadership, and other people of influence in the Rohingya community in an effort to diminish Rohingya history, culture and knowledge.

This report also highlights that prior to the incidents and crackdown of 25 August, a strategy was pursued to: 1) Arrest and arbitrarily detain male Rohingyas between the ages of 15-40 years; 2) Arrest and arbitrarily detain Rohingya opinion-makers, leaders and cultural and religious personalities; 3) Initiate acts to deprive Rohingya villagers of access to food, livelihoods and other means of conducting daily activities and life; 4) Commit repeated acts of humiliation and violence prior to, during and after 25 August, to drive out Rohingya villagers en masse through incitement to hatred, violence and killings, including by declaring the Rohingyas as Bengalis and illegal settlers in Myanmar; 5) Instil deep and widespread fear and trauma – physical, emotional and psychological, in the Rohingya victims via acts of brutality, namely killings, disappearances, torture, and rape and other forms of sexual violence.

2. Introduction

In the framework of OHCHR's rapid response capacity, three OHCHR staff ("the Team") were deployed to Bangladesh from 13 to 24 September 2017. The mandate of the Team was to monitor the situation of the newly arrived Rohingya population as well as to establish the facts and circumstances in northern Rakhine in the aftermath of the 25 August 2017 attacks, with a specific focus on the Buthidaung, Rathedaung and Maungdaw townships, reportedly the most affected by the eruption of violence.

As of 8 October, an estimated 519,000 new Rohingya arrivals have been reported since 25 August 2017.

The Team met with victims and eyewitnesses to collect reliable information on allegations of human rights violations committed in northern Rakhine State, Myanmar in the following locations in Cox's Bazar District, Bangladesh, where the greater part of newly arrived Rohingya took shelter:

- i. Kutupalong and Nayapara registered refugee camp sites.
- ii. Balukhali, Kutupalong, Leda and Unchiprang makeshift settlements.
- iii. The two boat landing sites in Sabrang and Shamlapur.
- iv. In host communities located in the areas of Balukhali, Kutupalong, Leda, and Teknaf.

The 25 August attacks occurred after the reported killing of six ethnic Mro Buddhist villagers in Rakhine State in the weeks prior to 25 August, which caused an increased level of incitement of hostility and violence towards the Rohingya population. Calls were reportedly made for the local Rakhine population to take up arms.¹ On 11 August, the Special Rapporteur on the human rights situation in Myanmar expressed alarm over reports that an army battalion had flown into Rakhine State in western Myanmar to help local authorities boost security in the region.²

On 11 September 2017, following the continuation of “clearance operations” by the Myanmar military, non-cessation of violence against the Rohingya, and their flight into Bangladesh, the High Commissioner for Human Rights in his opening statement to the 36th session of the Human Rights Council stated that the situation seems to be a “textbook example of ethnic cleansing”.³ He noted that the current situation was not fully assessed since Myanmar had refused access to human rights investigators. He called on the Government of Myanmar to end its current cruel military operations, with accountability for all violations that have occurred and to reverse the pattern of severe and widespread discrimination against the Rohingya population. The Secretary-General of the United Nations echoed these words a few days later.

3. Methodology

This report is based on information gathered from approximately 65 interviews with Rohingya refugees in Cox's Bazar, both with individuals and with groups.

The interviews with individual eyewitnesses and victims, including with key groups, were conducted in challenging situations. Group interviews were conducted with groups comprising 15-40 individuals. The Team adhered to the principal of confidentiality, and relevant information is only released with consent of the respondents concerned. All individuals interviewed had fled northern Rakhine after 25 August 2017. Additionally, information was corroborated by a host of respondents including members of UN agencies, local Bangladeshi authorities, the media, international NGOs, medical personnel, CSOs, aid organisations, and individual charities.⁴

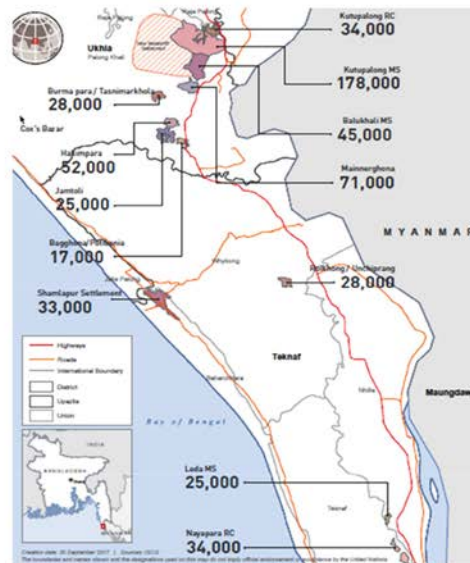
¹ A/72/382, report of the Special Rapporteur on the situation of human rights in Myanmar, p.16.

² <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21968&LangID=E>.

³ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22044&LangID=E>.

⁴ The Team have received considerable amount of data from other trusted sources, both photos and videos, including geographical tagging (location and date).

The Team would like to express its sincere gratitude to the Government of Bangladesh, in particular the Ministry of Foreign Affairs, for the extraordinary support provided before, during and after the mission. Particular thanks is due to the Resident Coordinator/Resident Representative UNDP in Bangladesh and the UN Country Team in Dhaka as well as UN agencies in Cox's Bazar. The Team also met with the Deputy Commissioner and District Magistrate of Cox's Bazar, the Director of the Cox's Bazar Sadar District Hospital, representatives of the Bangladesh Border Guards and the Police.



Source: Inter Sector Coordination Group, Humanitarian Response Plan September 2017 - February 2018, 30 September 2017

4. Key findings of patterns and trends of human rights violations

Forced displacement of Rohingyas, and destruction of property, livelihoods and futures

An analysis of the information received indicates a well-organised, coordinated and systematic pattern of destruction by the Myanmar security forces (sometimes with the support of individual Rakhine Buddhist villagers) of the villages, homes and property belonging to Rohingya and the forced displacement of large sections of the Rohingya population from their dwellings and villages in northern Rakhine State from 25 August onwards.

The Team documented consistent accounts of the Myanmar security forces surrounding or entering villages or settlements, sometimes accompanied by Rakhine Buddhist individuals,⁵

⁵ In several cases it was indicated that Rakhine Buddhist individuals were issued with uniforms and weapons. In these cases they were identified as the people they had been living side by side with – people they reportedly regularly met at the local market.

firing indiscriminately at Rohingya villagers, injuring some and killing other innocent victims, setting houses on fire, and announcing in other villages that the same would befall them if they did not comply with the order to immediately abandon their homes. In other instances, information collected indicates that houses were set on fire, after the Rohingya inhabitants fled out of fear.

A majority of the people interviewed by the Team reported the burning or destruction of their property and livelihood options by the Myanmar army. Several interviewees have indicated that a “launcher” (most probably a *rocket propelled grenade launcher*)⁶ was used to set houses on fire. Based on their statements, the fire sometimes rapidly spread from house to house destroying entire settlements.

In a statement made on 19 September 2017, the Myanmar State Counsellor Ms. Aung San Suu Kyi claimed that the Myanmar security forces have not conducted any further “clearance operations” since 5 September 2017.⁷ However, on 17 September 2017, the Team was able to identify columns of smoke rising across the Naf River in northern Rakhine State. Furthermore, satellite imagery indicates that the burning of villages continued weeks after 5 September 2017. Statements from the Bangladeshi Border Guards representatives and other actors present close to the border also indicate that explosions, shootings and burnings were heard and seen after 5 September 2017.

The Social Welfare, Relief and Resettlement Minister has been quoted as saying that following the 25 August attacks, the re-development of Maungdaw region will be implemented according to the country’s Natural Disaster Management Law.⁸ He stated that “according to the law, burnt land becomes government-managed land”. This law has been relied upon in the past by the Government of Myanmar to prevent the return of internally displaced people who were dislocated following the 2012 violence.

In addition to the destruction of property, homes and livelihoods, other human rights violations were committed against the Rohingya that contributed to their forced displacement through the establishment of a climate of intimidation and fear. Information received indicated that, a few days before 25 August, the Myanmar security forces imposed further restrictions on access to markets, medical clinics, schools and religious sites. Furthermore, Rohingya men aged between 15-40 years were reportedly arrested by the Myanmar Police sometimes as long as a month before the 25 August attack, without charges or arrest warrants, and several of those detained have reportedly not been heard from since.

A 60-year old woman from Buthidaung township, who recently arrived in the camp stated, *“The day of the big attack, the Myanmar army came and surrounded our house. They started to scream that we do not belong in Myanmar and that it is not our country. Then they started to shoot. We tried to hide in our house, but we could not escape the bullets that were everywhere. I took my family and we ran as fast as we could to the hills. We saw many dead bodies on the road - it was terrible. Women were raped in front of our eyes – some were even young female children – and sometimes they were hurt by several men in uniform. Men were severely beaten with rifle butts, knives, and machetes. At night from the hill side we saw our villages burning – one house after another”*.

⁶ Interviewees provided drawings or described the look of the weapons allegedly used by the security forces.

⁷ <http://www.president-office.gov.mm/en/?q=livestream/speech-sc-governments-efforts-regard-national-reconciliation-and-peace-19-9-2017>.

⁸ <http://www.globalnewlightofmyanmar.com/will-perform-duties-accord-law-putting-rule-law-forward-dr-win-myat-aye/>.

Several statements indicated that Rohingya victims ran to hide in the hills and subsequently found their houses burnt to the ground, and that, in some cases, the Myanmar security forces were attacking villagers who returned to their villages. Rohingya interviewees indicated that their family members were beaten up, even killed while attempting to retrieve personal belongings.

In some cases, before and during the attacks, megaphones were used to announce: *“You do not belong here – go to Bangladesh. If you do not leave, we will torch your houses and kill you”*.

A 12-year-old girl from Rathedaung township informed the Team that, *“the [Myanmar security forces and Rakhine Buddhist individuals] surrounded our house and started to shoot. It was a situation of panic – they shot my sister in front of me, she was only seven years old. She cried and told me to run. I tried to protect her and care for her, but we had no medical assistance on the hillside and she was bleeding so much that after one day she died. I buried her myself. There were helicopters in the air – and they used “launchers” to try to attack us when we were in the hills. My mother was outside the house with my four brothers. I do not know where they are now. My father was jailed a month before this. We do not know why and we don’t even know whether he is dead or alive”*.

A large number of the interviewees confirmed that they witnessed the burning of their homes and villages and some confirmed that the Myanmar army set their houses on fire. As the houses were set alight witness statements report the chanting of phrases such as *“You are Bengali! This is not your home, you do not belong here”*.

Additional information received indicated that local authorities in some cases warned the Rohingya in advance that their homes would be attacked and burnt to the ground indicating that the attacks were planned. As a result, people fled out of fear for their life and many families were separated from each other.

A 35-year old Rohingya woman from Maungdaw township said, *“The Myanmar security forces came in the middle of the night. They were using megaphones announcing that we are “Bengalis” and ordered us to leave, and if we didn’t they will burn our houses. My husband was in the hills that day to collect wood so I was alone when they came. They started to shoot and then a bomb blast occurred, following which our house started to burn. Many people were running away. I saw many people killed or badly hurt (by gunfire and knives). The people who accompanied the Myanmar security forces were Buddhist people from neighbouring villages. I have seen them several times in the market”*.

A few witnesses mentioned that some Rohingya individuals a few days prior to 25 August were taken to town halls and questioned about their engagement with the ARSA regarding allegations of providing shelter to these “fighters”, and that if they did not tell the truth, there would be serious consequences.

A 60-year old father of four children from Buthidaung township stated that, *“They wanted to get information but we did not know anything. We tried to tell them so but they got more and more angry and started to shoot bullets which went flying in all directions. Why do they hold us responsible for something that we have no knowledge of? Myanmar is our birthplace. We did not do anything wrong. We are not criminals. What crime have we committed? The Myanmar authorities have denied us the right to live in peace; they order us to leave our land – the same land generations of our families have called home. The big issues started with the ID cards: the Myanmar government through the Myanmar army wanted us to hand in our old*

ID cards and accept ID cards for us the “Muslims” – it means that we would agree that we are not from Myanmar, that instead we come from Bangladesh, but this is not true. Why should we accept this?”

It was also highlighted that specific attacks particularly targeted the educated in the Rohingya society such as teachers, business men, religious and community leaders – people with influence. They were reportedly arrested and transferred to unknown places. Several eyewitnesses stated that people were completely taken by surprise when the attack on their villages occurred and that the operations often started after midnight or just after lunch time.

A 26-year old mother mentioned, “I woke up 3 a.m. and my house was on fire. There was chaos, everyone was running everywhere, they were shooting to kill us, they took women and dragged them away to rape them. They did not spare anyone – even children were beaten and tortured. I fled from my house with my seven children and my husband, before they could attack us. I have tried for a long time to live in peace, even during difficult times, but this attack was horrible. The Myanmar army were telling us “you are not the people of Myanmar – you are the people of Bangladesh. If you do not leave your home now, we will torch your houses. Before this day, the Myanmar army have made our lives difficult. They blocked us from buying and selling property. We could not go to the markets without permission and we could not conduct any business. They were screaming that we are Muslims, we do not belong on their soil, and we should go to Bangladesh”.

5. Other reported human rights violations

Extrajudicial and summary executions

Several victims reported the killing of close family members by random gunfire or referred to the Myanmar security forces surrounding villages at some distance and then shooting indiscriminately at houses and individuals alike. While describing the situation, several witnesses recalled the presence of the Myanmar security forces accompanied by mobs of Rakhine Buddhist individuals, sometimes in groups of up to 100-150 individuals. In some cases, prior to being killed, victims were reportedly accused of supporting “terrorists”. Almost all testimonies indicated that people were shot at close range and in the back while they tried to flee in panic.

Eyewitnesses reported to the Team that Rakhine Buddhist individuals wielded knives or machetes as they entered Rohingya settlements. The Team collected personal details of the victims allegedly killed. In some cases victims were allegedly deliberately targeted and while in other cases they were killed through explosions, fire and stray bullets. The data gathered by the Team from local government and clinics in the different camp sites and makeshift settlements in Cox’s Bazar, and from international and domestic NGOs, corroborates the findings related to injuries sustained by gun shots.

Witness accounts attest to Rohingya victims, including children and elderly people, burnt to death inside their houses. The Team heard several accounts of elderly Rohingya being left behind by their families as the latter fled in panic. In one case it was highlighted that a victim was deliberately trapped inside a house by the Myanmar security forces and burnt alive. Children were not spared by the security forces, nor by Rakhine Buddhist individuals. There were accounts of severe beatings, stabbings or killings during the attacks.

The Team received information from the Bangladesh Police of 100 bodies of Rohingya victims (20 male, 38 female and 42 children) that were collected floating down the Naf River

from Myanmar into Bangladesh territory in the period 31 August to 20 September 2017. Several of the bodies recovered had signs of gunshot wounds on different parts of their bodies. Several Rohingyas mentioned burying their loved ones at the border as they had died of the injuries suffered either during the armed attacks on their villages or during the journey to the border with Bangladesh.

Disappearances

A woman, aged 50 years from Maungdaw township stated, *“My son was imprisoned by the Myanmar army. The army came to our house and arrested him but we do not know why – they just arrested him and took him away. They visited our house earlier and issued threats saying that we do not belong to Myanmar, but this time it was different, this situation was extreme – they were extreme. I am so worried about my son, we do not know if he is dead or alive. I am not worried about my property but I only want my son back. I want to know if he is dead or not. I cannot tolerate this anymore – the pain is too much. It is better for him to die than to be tortured”*.

It was further alleged that the “most beautiful girls” in the village who were unmarried were rounded up, separated from their families and taken away to unknown destinations. A majority of the interviewees believed that those who were handpicked by the security forces are no longer alive. The Team collected information related to the names and age of the disappeared females.

Rape and other forms of sexual violence

Well into the course of the mission, more and more information began to be shared both by girls and women who had survived rape or other forms of sexual violence. Information was collected related to girls as young as five to seven years of age who had been raped, often in front of their relatives, and sometimes by three to five men taking turns, all dressed in army uniforms.

Witness statements indicated that some previously abducted girls returned with vaginal bleeding, which continued for days. One statement indicated that a knife was used during a gang rape of a female victim. Another statement, received by an extremely credible source, referred to a woman whose stomach was slit open after she was raped. Witnesses stated that her “unborn baby” was killed by the alleged perpetrator with a knife and her nipples were cut off. Personnel in community clinics in registered camps and makeshift settlements, in a clinic run by an international NGO, as well as personnel at the Bazar Sadaar District Hospital in Cox’s Bazar corroborated the information that female Rohingya victims were being treated by their medical staff for injuries received through sexual and gender-based violence.

A young woman of 25 from Buthidaung township stated, *“I came here [to the camp] 12 days ago. I came by foot through the hills, and we walked for five days. We did not have any water or food; we left all our belongings in the house as we ran from the fire, and the shooting. It was a massacre. Women were collected and taken away – they were raped in front of us – in front of their families. The [four men] in uniform took my sister when we were hiding in the hills; they raped her in front of us as we were hiding behind the trees. She was crying but my father could not help her, as we had to be quiet so they did not notice us. It was horrible and she had pain and was bleeding for many days. Now in Bangladesh, she has received medical care but her dignity is destroyed”*.

Testimonies also indicate that many women, even ones who were pregnant, were raped. In several cases, women and girls were reportedly raped in their homes and at police stations, and at other times in full view of family members, including children; anyone trying to protect their female kin was dealt with severely by the perpetrators.

Torture and other cruel, inhuman or degrading treatment or punishment

Testimonies collected from victims and witnesses revealed that physical assault, including beatings, by Myanmar security forces, was widespread following the outbreak of violence on 25 August. Victims reportedly included Rohingya men, women and children of all ages, sometimes as young as four to five years old. Rifle butts were allegedly used to hit sensitive areas of the human body such as stomach and head. Several testimonies mentioned that male members of the household were targeted by the military, sometimes jointly with Rakhine Buddhists individuals, as they tried to flee. Collected testimonies refer to broken legs, arms and ribs. The Myanmar security forces and supporting Rakhine Buddhist individuals reportedly forced victims, including small children, to watch as torture was inflicted on their loved ones. In certain cases, individuals were allegedly severely beaten, raped or otherwise sexually abused, and even killed in front of their relatives, which had the effect of inflicting often severe mental anguish, and instilling fear.

Attacks on places of worship and religious intolerance

Information received by the Team refers to the burning of mosques and the destruction of the Holy Quran, which was burnt and torn apart in front of villagers.

A 55-year old man from Buthidaung township mentioned an attack on their local mosque a few days before the 25 August, *“The Myanmar security forces came during prayer time. They set the mosque on fire, took our holy books and tore them apart in front of us, yelling “Where is your Allah now, will he come and save you? You are Muslims and you do not belong here. We want a state only for us”.*

6. The flight to Bangladesh

A 20-year old woman from Rathedaung township said, *“I fled from my village 8-10 days ago and arrived in the camp two days ago. We walked for five days to get to Bangladesh, without any food or water. I walked for days in the hills while in an advanced stage of pregnancy and delivered my child on the hill side without any medical support – he is very sick but we are safe”.*

Several of the statements collected indicate that once the Myanmar security forces entered villages, chaos broke out and family members were separated due to panic. Often families fled with their lives, without any personal belongings or identification documents other than what they were able to hastily collect and carry.

One 12-year old girl from Buthidaung township said that, *“everyone lost someone, many children were looking for their family members – it was total chaos, and I thought we were safe the moment we reached the border but then [the Myanmar army] came from all directions and starting shooting at us - many people ran into the nearby jungle but some old people died in front of my eyes”.*

The Team estimates that the journey from the villages to the border with Bangladesh took from 2-16 days, and that most people were forced to pay between 5,000-10,000 Taka per

person to cross the river by boat. Many without any means had to walk across to the border. In several reported cases, people who did not have cash bartered jewellery, such as gold bracelets, earrings and nose pins to pay for the crossing. Several who could not afford to pay were left behind, and in some cases, boatmen took pity and allowed unaccompanied minors in particular to board the boat without payment. In Sabrang, the Team was informed that faith-based organisations pay for transportation of some Rohingyas from a transit island (Shapori Island) in Bangladesh to mainland Bangladesh. During the visit, the Team witnessed the arrival of a boat with 26 Rohingyas on board, mainly women and children. The passengers were received by men carrying stacks of cash which was offered to the arriving Rohingya (100-500 Taka/person). Furthermore, Rohingyas received a voucher each for staple food and basic personal items by representatives of faith-based organisations including a local mosque.

Arriving by boat was an 11 year-old boy, with a gunshot wound on his thigh, who said, *“I belonged to a group of 25 people attempting to cross the border. Myanmar military started to shoot at us and 8 people got injured. My father was killed earlier during our journey from our village to the border, and I was separated from my mother”*.

A 34-year old woman from Buthidaung township found her sister’s children abandoned at the border in Myanmar: *“I managed to escape with my two children. I do not know how I managed to reach the border. I was so scared. I lost everything. My husband was killed in front of me. We had no water or food but people helped me and they cared for my children. For eight days we were hiding in the jungle – when we came to the border I found my sister’s [12-year old] daughter. She was shot three times, once in the back and twice in her leg. My sister’s [4-year-old] son had a gun injury on the right side of this leg. Every time he hears the word ‘military,’ he cries. I care for these children because if I don’t, who will?”*

Fleeing Rohingyas hid along the hillsides during day time and walked towards the border with Bangladesh at nightfall out of fear of detection and assault. Individuals indicated that they went to abandoned villages to find food and water before they finally fled the country for safety. Several testimonies referred to ongoing attacks in the border area with Bangladesh while waiting for transportation.

A single mother of six children from Buthidaung township arrived on the shore in Bangladesh: *“I have nothing. I was so scared for my life, the only thing that I focused on was to save the lives of my children, I do not know where to go, I do not have a plan, and I don’t know what the future will bring. Please help me”*.

In one of the group interviews with 42 new arrivals in Shamlapur originating from Maungdaw township in Myanmar, a majority of whom were women (including five women with 23 children) described how the Myanmar security forces had entered their homes telling them to look outside their windows where neighbouring villages were on fire, and warned that if they did not leave they would all be burnt inside their houses.

A recently arrived 19-year old girl from Buthidaung township, whose father was allegedly killed by the Myanmar security forces in front of her and her mother, and who was lost in the crowd said: *“I am alone; I do know where to go, or what to do. I have my four siblings [they are 6, 9, 12, 13 years of age] and I don’t know how to feed them or how to comfort them. I cry at night so they cannot see. I hide my face so they cannot see the pain or the fear I feel”*.

Use of landmines

The Team received credible information that an estimated 11 Rohingya victims had suffered severe injuries including missing limbs following mine incidents. The defused landmines have been identified as anti-personnel mines.

The Team was informed that until 23 August 2017, the Myanmar and Bangladesh border guards conducted joint patrols along the international border between Bangladesh and Myanmar and that it was therefore highly unlikely that mines were planted before 23 August due to the likelihood of real danger for army personnel of both sides that they would step onto such an explosive device.

On the basis of the information received, the Team believe that the mines were deliberately planted by the Myanmar security forces after 23 August 2017 along the border in an attempt to prevent the Rohingya refugees from returning to Myanmar. Information received by the Team referred to the use of landmines and to incidents of people stepping on mines whilst fleeing, or attempting to return to Myanmar to check on other missing family members from 25 August onwards. They were either killed instantly, or suffered serious injuries. The Cox's Bazar District Hospital and other medical facilities confirmed the treatment of mine injuries.

7. Conclusions and upcoming risks/challenges

The vast majority of those interviewed suffered multiple human rights violations. Many reported having been first internally displaced, sometimes moving between several villages, before trying to cross the border into Bangladesh (attacked by the Myanmar security forces in the abandoned villages or on hillsides). The majority of eyewitness accounts referred to violations allegedly perpetrated by the Myanmar security forces often through joint operations with Rakhine Buddhist individuals. Testimonies referred to apparently well-organised and coordinated action, where first the Myanmar security forces came into a village followed by the Rakhine Buddhists individuals using knives or machetes to inflict death, injury or damage.

The “clearance operations” started before 25 August 2017, and as early as the beginning of August. The apparently well-organised, coordinated and systematic nature of the attacks carried out by the Myanmar security forces against the entire Rohingya population across northern Rakhine State has led to a mass exodus of more than 500,000 people fleeing to Bangladesh.

The testimonies gathered by OHCHR indicate that the attacks against Rohingya villages constitute serious human rights violations. As recalled by many victims, the security forces and the Rakhine Buddhist individuals incited hatred, violence and killings against the Rohingya population within northern Rakhine State through extremely derogatory abuse based on their religion, language and culture and ethnic identity.

There are indications that violence is still ongoing at the time of writing this report. Several Rohingyas expressed fear for their life and grave reservations over the possibility of return to their homeland in Myanmar. The information gathered also indicates however that some sections of the Rohingya population currently present in Bangladesh might be willing to return to their villages despite widespread destruction, provided the following conditions are met by the Government of Myanmar: 1) Provision of Myanmar citizenship; 2) Respect for civil, political, economic, cultural and social rights; 3) Compensation for loss of livelihood; 4) Accountability for human rights violations suffered; and 5) Deployment of UN peacekeeping operations to ensure the safety of the Rohingya people in Myanmar. A few interviewees also

mentioned the need for the implementation of recommendations made by the Kofi Annan-headed Advisory Commission on Rakhine State.

The Rohingya population continues to face severe challenges in the camps in Bangladesh. Despite untiring efforts on the part of the Bangladesh government and aid agencies, the burden of the Rohingya mass exodus is too heavy to bear in the immediate future. There are serious protection concerns regarding the immediate needs of the most vulnerable, and it is important to establish a permanent presence at the boat landing sites as part of the immediate humanitarian response. The health and sanitation conditions are critical and described by on-site medical doctors as 'a perfect storm in the making'. There are concerns that unaccompanied minors and single female heads of families might become victims of trafficking and sexual violence.