

Testimony of

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Before the

Tom Lantos Human Rights Commission

On

Human Rights of the Rohingya People

March 23, 2017

Introduction

On behalf of the U.S. Commission on International Religious Freedom (USCIRF), I would like to thank Representatives James McGovern and Randy Hultgren, Co-Chairs of the Tom Lantos Human Rights Commission, for holding the hearing on “Human Rights of the Rohingya People” and inviting USCIRF to submit testimony for the record. I am Rev. Thomas J. Reese, S.J., Chair of USCIRF, an independent, bipartisan U.S. federal government commission created by the 1998 International Religious Freedom Act (IRFA). The Commission uses international standards to monitor the universal right to freedom of religion or belief abroad and makes policy recommendations to the President, Secretary of State, and Congress.

USCIRF has monitored religious freedom conditions in Burma (also known as Myanmar) since the Commission first began its work in 1999. Based on the country’s systematic, egregious, and ongoing violations of the freedom of religion or belief as defined under IRFA and upheld in international human rights covenants, USCIRF has recommended that Burma be designated as a “country of particular concern,” or CPC, every year since the Department of State first made the designation in 1999. The State Department most recently designated Burma as a CPC in October 2016.

Burma is a Buddhist-majority country, and while people of different faiths have lived peacefully for generations, violations of the freedom of religion or belief nonetheless occur, particularly against religious and ethnic minorities. Government and societal actors often perceive these communities as threats and subsequently subject them to various forms of institutionalized discrimination, intimidation, imprisonment, or physical violence.

For the more than one million people who identify as Rohingya Muslim, this persecution has been brutal. The deprivation of their rights, by both government and societal actors, is one of the most profound human rights tragedies of the 21st Century. Most Rohingya Muslims reside in Rakhine State in western Burma where nearly five years ago, two waves of sectarian violence killed hundreds, displaced thousands, and destroyed hundreds of religious properties. Since then, Rohingya Muslims, Rakhine Buddhists, and individuals of other ethnicities and beliefs have suffered serious rights restrictions: in the case of Rohingya Muslims, such restrictions have included the denial of the right to a nationality and citizenship.

While these abuses have taken place under intense international scrutiny, there have been few consequences for Burma. The situation is so dire for many individuals that some international observers have called the violations crimes against humanity or even genocide. In this environment, the U.S. government must continue to urge Burma’s government to make positive reforms while at the same time applying appropriate pressure when the government’s actions, or inability or unwillingness to respond to societal actors, do not reflect international human rights standards.

In December 2016, USCIRF issued *[Suspended in Time: The Ongoing Persecution of Rohingya Muslims in Burma](#)*. The report, also available in [Burmese](#), details the persecution of Rohingya Muslims resulting from government-directed abuses and/or government indifference to

discrimination and violence that has killed hundreds, displaced thousands, and destroyed hundreds of religious properties since 2012.

While highlighting the ongoing persecution of Rohingya Muslims in Burma, USCIRF also has focused on the pervasive and longstanding persecution and discrimination Christians face that have persisted, often unreported, for generations. [Hidden Plight: Christian Minorities in Burma](#), also issued in December 2016, focuses on the key factors to understand the violations of religious freedom affecting Christian communities in Burma: the military's enduring, constitutionally entrenched power and the elevation of Buddhism as the de facto state religion. The report also is available in [Burmese](#).

Key Issues

In 2016, Rohingya Muslims in Rakhine State suffered the harshest crackdown since waves of violence in June and October 2012. On October 9, 2016, a large group of insurgents alleged to be Rohingya Muslims carried out a series of attacks in and around Maungdaw Township in northern Rakhine State, targeting Border Guard Police and other law enforcement facilities. Nine police officers were killed in these attacks. In response, Burma's military and law enforcement instituted a sweeping clearance operation that cut off humanitarian aid and restricted independent media access to northern Rakhine State.

Interviews with Rohingya Muslims and others highlighted the inhumane, violent, and disproportionate acts Burma's military and security forces committed, which included: extrajudicial killings; death by shooting, stabbing, burning, and beating; the killing of children; enforced disappearances; rape and other sexual violence; arbitrary detention and arrests; looting and destruction of property, including by arson; enhanced restrictions on religious freedom; and razed religious structures. Not only has Burma's government not condemned the violence, but it also has rejected and denied many of the military's reported abuses and rebuffed the international community's concerns.

As a result of this operation, even stronger restrictions on freedom of movement than had been in place also were implemented, targeting Rohingya Muslims and others, including some Rakhine. This restricted right of movement denies individuals the ability to earn a living or access medical care, for example, and also prevents them from interacting and integrating in the day-to-day community marketplace, resulting in de facto segregation.

While the government established an investigation commission to examine the October 9 incident, human rights advocates registered concern about the selection of military-appointed Vice President U Myint Swe to lead the commission. On December 15, the commission reported on its visit to northern Rakhine State in a State Counsellor's office-issued statement that refuted a report made by one Rohingya woman about an alleged rape by military personnel and portrayed living conditions largely positively, a characterization incongruous with nearly all other accounts of the situation in Rakhine. In its January 2017, interim report, the commission found no evidence of genocide and insufficient evidence supporting numerous rape allegations, and failed to mention civilian deaths at the hands of security forces even though authorities just days earlier detained several police officers after the release of a video showing them beating Rohingya Muslims.

Despite the government of Burma's assertions to the contrary, the crisis in Rakhine State is not an internal, domestic issue: it is a calamity with regional and global implications. For example, in 2015, thousands of Rohingya Muslims risked the dangerous journey by boat to escape persecution in Burma. These asylum seekers, whether refugees fleeing due to legitimate fears of persecution or migrants seeking a better life, are stateless and ostracized wherever they go. They make their way to Malaysia or Indonesia with hopes of a better life, but encounter traffickers and smugglers along the way and often face terrible conditions wherever they land. In December 2016, Malaysia's Prime Minister Najib Razak publicly condemned Burma's ill treatment of Rohingya Muslims and recognized the Rohingya Muslim crisis as a regional challenge for the Association of Southeast Asian Nations.

In addition to the asylum seekers journeying by sea, many travel over land, including after the October 9 incident and the military's subsequent clearance operation, which triggered a significant movement of Rohingya Muslims across Burma's border with Bangladesh. According to the Office of the United Nations High Commissioner for Human Rights' February 3, 2017 [Flash Report](#), about 66,000 Rohingya have fled to Bangladesh since October 9, but since the report's release, this number reportedly has increased to more than 70,000. (Several thousand also were internally displaced, including some ethnic Rakhine.) The report is based on "in-depth interviews with 204 [Rohingya Muslim] victims and witnesses" who were interviewed in Bangladesh. For decades, Bangladesh has hosted, in two government-run camps in Cox's Bazar near the Bangladesh-Burma border, an estimated 30,000 officially recognized Rohingya Muslim refugees who fled Burma. An estimated 200,000 to 500,000 Rohingya Muslims deemed illegal immigrants live outside the camps in deplorable conditions. In 2016, the government of Bangladesh completed a census of the Rohingya population, but the results are not publicly available. Participants in the census reportedly will receive an identification card from the International Organization for Migration, which will help to improve access to health care and education.

Burma's transition, between different governing parties and to a more democratic form of government, presents many challenges that require urgent attention. In any society, competing interests can cause tensions; whereas some disagreements may snarl the legislative and policy process, others can turn violent, particularly when persons or groups seek to elevate by force one ideology and/or faith over all others. In the case of the latter, political or societal forces often appeal to sectarianism to achieve political ends or amass more power.

USCIRF has seen such political aspirations motivate and encourage extremist and nationalist groups to target other religious communities, leading to greater intolerance in society, including grave violations of religious freedom. Extremist and nationalist elements achieve such political gains by stoking underlying antipathies toward or divisions between religious communities. Ultimately, such political and societal drivers can prompt mass movements of people fleeing persecution, which has certainly been the case for Burma's Rohingya Muslims. Moreover, the government of Burma's prolonged ill treatment, or toleration of such ill treatment, contributes to both collective and individual trauma those whose lives and families have been ripped apart by violence experience. The legacy of such protracted despair is something Burma's government will need to address for generations to come.

Recommendations

The U.S. government must reinforce with Burma that country's responsibility to incorporate religious freedom and related human rights as part of the broader peace process and press for the rights of Rohingya and other Muslims, as well as Christians and other religious and ethnic groups. Also, the U.S. government must support the strongest possible resolution at the United Nations (UN) for an international investigation into the myriad human rights abuses in Rakhine State. USCIRF also recommends the following:

To the Government of Burma:

- Allow humanitarian aid and workers, international human rights monitors, and independent media consistent and unimpeded access to Rakhine State and other locations where displaced persons and affected civilian populations reside;
- Sign and ratify the International Covenant on Civil and Political Rights;
- Allow the UN High Commissioner for Human Rights to open a country office to assess the human rights violations against all individuals in Rakhine State;
- Eliminate discriminatory policies, practices, and laws – especially the 1982 Citizenship Law that marginalizes and excludes Rohingya Muslims;
- Cease criminalizing the peaceful exercise or expression of religion or belief deemed blasphemous, defamatory of religion, or contemptuous or insulting to religion;
- Release prisoners of conscience and persons detained or awaiting trial, and treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers and the ability to practice their faith; and
- Consider ways to formally include Rohingya Muslims in governing processes and political dialogue, such as by engaging them in the 21st Century Panglong discussion about national reconciliation.

To the U.S. Government:

- Continue to designate Burma as a CPC for its systematic, ongoing, egregious violations of freedom of religion or belief;
- Support efforts by the international community, including at the UN, to establish a commission of inquiry or similar independent mechanism to investigate the root causes and allegations of human rights violations in Rakhine State and other conflict areas, and to hold accountable those responsible—including members of the military and law enforcement—for perpetrating or inciting violence against civilians, particularly religious and ethnic minorities;

- Conduct regular U.S. Embassy visits to Rakhine State, meet with Rohingya Muslims both in Rakhine State and at U.S. Embassy Rangoon, and consistently raise with the government of Burma violations of freedom of religion or belief,
- Support interfaith and intrafaith collaborations, in which Rohingya Muslims also participate, especially at the grassroots;
- Use the term “Rohingya,” both publicly and privately, which respects the right of Rohingya Muslims to identify as they choose;
- Encourage the Government of Bangladesh to continue to provide humanitarian assistance and a safe haven for Rohingya Muslims fleeing persecution in Burma and urge Bangladesh to become a state party to the 1951 Refugee Convention on Refugees and its 1967 Protocol; and
- Use targeted tools against specific officials, agencies, and military units identified as having participated in or being responsible for human rights abuses, including particularly severe violations of religious freedom, such as adding further names to the “specially designated nationals” list maintained by the Treasury Department’s Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act (Public Law 114-840), and asset freezes under the Global Magnitsky Act.