



Tom Lantos Human Rights Commission

Hearing
on
“Victims’ Rights in Burma”

July 25, 2018 | 10:00 a.m.
2200 Rayburn House Office Building

Statement of Daniel P. Sullivan
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Thank you, Chairman McGovern, Chairman Hultgren, and members of the Tom Lantos Human Rights Commission for holding this important hearing.

Refugees International is a non-profit, non-governmental organization that advocates for lifesaving assistance and protection for displaced people in parts of the world impacted by conflict, persecution, and forced displacement. Based in Washington, we conduct fact-finding missions to research and report on the circumstances of displaced populations in countries around the world, including in Bangladesh and Myanmar (also known as Burma). Refugees International does not accept any government or United Nations funding, which helps ensure that our advocacy is impartial and independent.

The level of human rights abuses, forced displacement, and violations of international humanitarian law in Myanmar over the past year has been nothing short of alarming. Disappearances, torture, extra-judicial killings, and sexual violence are regularly reported. Thousands have been newly displaced, joining the tens of thousands of others who have been in displacement camps for years. And as the needs of the displaced continue to mount, humanitarian access is at its worst in years. As one longtime humanitarian recently described to me, “the feeling of despair and frustration is the strongest I’ve witnessed.” Civilian areas, including near displacement camps, have been bombed indiscriminately. And none of this has anything to do with the Rohingya crisis. Everything I just mentioned is happening in Myanmar’s Kachin and northern Shan States—on the other side of the country from Rakhine State where the Rohingya crisis has played out.

At the end of last year, Refugees International accessed a restricted area in Kachin State where tens of thousands of displaced persons have been living in camps for the past seven years. Our mission revealed a deteriorating situation, and developments since have been far from encouraging. In all, some 100,000 people have been living in displacement camps in Kachin and northern Shan States since fighting between the Myanmar army and ethnic armed groups broke

out in June 2011. Nearly half of them are living in areas outside of government control and have been cut off from direct international aid since May 2016.

After years of displacement, the people with whom Refugees International spoke cited growing difficulty in obtaining sufficient food, accessing medical care, and finding livelihood opportunities. Overall, there was a growing sense of desperation and fear of insecurity. As one local humanitarian worker told Refugees International, psychosocial support is increasingly needed for those who have been displaced for seven years, want to return home, and see little prospects for the future. And despite their existent—and growing—needs, this population has faced a decrease in aid and protection services. Local civil society groups, supported by donors like the United States through the World Food Program and UN Children’s Fund, continue to carry out important services including healthcare and community-based child protection, but their capacity is increasingly strained.

In December 2017, Refugees International concluded that:

the combination of reductions in such international aid, waning attention, and, most significantly, dramatically increased restrictions on assistance by the Myanmar government is creating a desperate and unsustainable situation for displaced persons in Kachin and northern Shan States.

Sadly, in recent months, the situation has only gotten worse. Fighting in Kachin State displaced 5,000 people in April and another 2,800 people have been newly displaced by fighting in Shan State in just the past two weeks. Humanitarian access is increasingly restricted, not only for international groups and in non-government-controlled areas, but for local civil society and in government-controlled areas as well.

Earlier I listed a series of human rights abuses taking place in Kachin and northern Shan States and stated that they had nothing to do with the Rohingya crisis. Allow me to clarify that point. While human rights abuses and the persecution of minorities in northern Myanmar have been taking place for years independent of what happened to the Rohingya in Rakhine State—these abuses were perpetrated by the same government and the same military. In fact, at times it is the very same soldiers who carried out abuses in both places. As documented recently by a Reuters investigative report and by Amnesty International, Myanmar’s 33rd and 99th light infantry battalions spearheaded a military response to Rohingya militant attacks with a crackdown in August 2017 so brutal that more than 700,000 Rohingya fled the country. Battalions from the 33rd light infantry division were also deployed in Shan State in 2016 and 2017 and have since been deployed to Kachin State.

Each of these elite battalions, and ultimately all Myanmar troops, answer to the head of Myanmar’s army, Senior General Min Aung Hlaing. A lack of accountability runs through the many abuses that have taken place across the country. Myanmar government and military investigations have resulted in little more than white washes, denying any responsibility for what amount to crimes against humanity and ethnic cleansing. This

cycle of impunity must stop. The same is true for abuses committed by ethnic armed groups. Whoever is responsible for abuses must be held to account.

There are several ways that the human rights and humanitarian crisis in Kachin and northern Shan States can be addressed. My recommendations can be found in greater detail in the report from Refugees International's 2017 mission, which I would request to submit for the record.

For the purposes of this hearing, allow me to highlight three recommendations relevant to the U.S. Congress.

The U.S. Congress should:

- Press the Government of Myanmar to lift restrictions on international aid and allow unfettered access for aid providers, human rights monitors, and media throughout the country;
- Sustain and augment humanitarian support to displaced persons in Kachin and northern Shan States through USAID funding of programs that support local civil society organizations;
- Take measures to curb abuses and ensure accountability for those responsible for serious human rights violations through targeted sanctions against senior military officials, support for a multi-lateral arms embargo, and support for a referral to the International Criminal Court.

The U.S. Congress can support these measures by passing the BURMA Act of 2018 (H.R. 5819) and by urging the Trump administration to take action through targeted sanctions under the Global Magnitsky Act. Congress can also urge the U.S. State Department to publicly release the investigation it is carrying out on abuses in Rakhine State and support the UN Fact-finding mission set up to look at abuses across Myanmar, which will release its final report in September.

For the sake of those displaced, whether in camps in Bangladesh or in isolated camps in northern Myanmar, accountability must be realized, and the prospects for a better future must be sought.

Again, I thank you for holding this timely hearing, and I am happy to answer any questions.