

## Testimony for Tom Lantos Human Rights Commission hearing

March 17, 2017

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Thank you, Mr. McGovern and Mr. Hultgren, and members and staff of the Tom Lantos Human Rights Commission, for convening this hearing on such an urgent topic. Your steadfast leadership on human rights in Burma is important as the country experiences new and growing spikes in violence against civilians.

Thank you for your invitation to speak about atrocities being perpetrated against Rohingya in Burma today -- Atrocities that, I must say upfront, are preventable.

I speak on behalf of the United States Holocaust Memorial Museum's Simon-Skjodt Center for the Prevention of Genocide. The Simon-Skjodt Center believes that timely global action by policymakers can prevent mass atrocities. We seek to stimulate timely global action to prevent such crimes and to catalyze an international response when mass atrocities are already underway. We draw upon lessons learned from the Holocaust, and the failure to prevent genocide then, in order to inform policy decisions today.

The Simon-Skjodt Center sounded the alarm about early warning signs of genocide against the Rohingya two years ago, after conducting an investigation into state-led acts of persecution that targeted the Rohingya population. Burma was listed as the country most likely to experience a state-led mass killing in the Museum's early warning project - an ominous ranking which necessitated more research into these warning signs. For years, Rohingya have been forced to endure statelessness, the denial of essential services, a culture of impunity for those who attack them, and a climate of hatred that has allowed violence to fester. Center staff visited what can only be described as internment camps, and spoke with Rohingya who have been violently displaced from their homes. We also met with Rohingya who were living in a cordoned-off ghetto, separated from their Buddhist neighbors. We were told of the devastating impact that official policies of persecution were having on the Rohingya. When asked what the Burmese government wants to do with the Rohingya population, one Rohingya interviewee responded, "They want us all to go away."

Our warning was issued in a time of transition for Burma. Over the past few years, there has been general support for Burma's transition to democracy, coupled with the hope that these political changes would naturally protect Rohingya and other minorities. Hopes were high for Burma's new government, but shifts toward democracy have thus far been insufficient to erase the deeply ingrained structures of violence, hate, and impunity that threaten Rohingya. One Rohingya advocate described international praise for Burma's leaders as the "euphoria of change," but stressed that none of these improvements have reached the Rohingya people.

In September and October of 2016, the Simon-Skjoldt Center worked with Fortify Rights to get a more detailed sense of what may have changed in terms of the Rohingya situation since the National League for Democracy came to power. Sadly, the situation has not improved for Rohingya since our first investigation in 2015. In fact, Rohingya may be in an even worse situation now, as the international community has discarded much of its leverage to press the Burmese government to protect them.

Throughout conversations in the country with Rohingya and Rakhine leaders, diplomats, politicians, journalists, aid workers, and others, the overwhelming response we heard from too many people was an acceptance of a status quo. Enforced segregation, denial of services, and unchecked hate speech were seen by many who were not Rohingya as somehow acceptable. In conversations less than one week before the outbreak of violence in northern Rakhine State, local leaders and experts claimed that there was little risk of physical violence in the area.

Yet on October 9, Burma's military and other security forces cracked down on Rohingya civilians following deadly attacks on police officers. We were disturbed by the brutality of military action, but we were not shocked that it happened. State-led persecution, abuses by security forces, and strictly controlled international observation are all ingredients for wider violence.

Simon-Skjoldt Center staff interviewed some Rohingya refugees who had fled northern Rakhine State and had crossed the border into Bangladesh. We heard stories of extrajudicial killing - people being shot, stabbed, or burned to death - and of rape, torture, and the destruction of villages.

I spoke with one man, 19 years old, who described what happened when the military entered his village. He fled his house and hid nearby in some trees and bushes, leaving his sick and elderly father behind, which he described as a difficult decision. Members of the military, who he identified by their uniforms, went from house to house as he watched from his hiding spot. When they arrived at his house, they called to his father, who was just outside the house but unable to respond to the soldiers. He described how the soldiers then punched his father, and made him lie down on the ground. He said that one soldier held his father's leg while another slit his throat. The soldiers then threw his father's body back in the house and burned the house down using a device he described as a launcher. He described his hiding spot as being about 12 feet away from his father as the murder unfolded, and how he kept hiding even as his house burned, and suffered injuries as a result. When the military left, he saw soldiers burning houses one by one. He also described how his father in law's family was killed by soldiers who locked the family, including young children, in their house and lit it on fire. He also said that three adult men from his extended family had been arrested, and that he has not heard from them since. He was understandably emotional from recounting all that had happened to his family, and expressed uncertainty about being able to get by, now that he was living in Bangladesh.

This man is just one of the more than 70,000 Rohingya who have fled to Bangladesh since October of last year. We spoke to others who have similarly harrowing stories of mass atrocity crimes.

When we asked why they thought the Burmese military had committed these brutal crimes, each respondent expressed, in one way or another, that the Burmese government hated them, wanted to hurt them, and wanted them gone. Rohingya refugees spoke to us, as they have spoken to some other researchers including those from the Office of the High Commissioner for Human Rights, and they urged us to share their stories. They have faith that international actors will take swift action to urge the Burmese government to end the violence.

When we hear their stories, we must remember that none of this was inevitable. All of the warning signs were known. The time for prevention may seem to have passed, but there is still an opportunity to protect other civilians who remain at risk. There is still time for the U.S. government and others to press for civilian protection and accountability for mass violence in Burma.

Supporting the country as it moves away from military rule and mismanagement to a stable democracy is a paramount priority. The U.S. government can support Burma's nascent transition to democracy while also speaking out about mass atrocities committed by its security forces. We must demonstrate that we value human rights and the protection of civilians, no matter their identity - and that these values guide our relationship with Burma's government. Our leaders can send a clear message that we support democracy and greater openness in the country, and that we want these improvements to reach all communities. We can stress that a democratic transition that leaves out an entire population, just because of who they are, is not a genuine nor stable transition at all.

Our leaders can do this in a few specific ways:

First, Members of Congress as well as the Administration can express support for a commission of inquiry into the situation. Such support would echo the High Commissioner for Human Rights as well as the Special Rapporteur on the Situation of Human Rights in Myanmar.

Interviews conducted by the Simon-Skjoldt Center and other organizations have given us a sense of the brutality of the crackdown in the region, but full access for impartial and independent investigators is necessary in order to identify those responsible for the reported crimes, and to begin the process of accountability. Such an investigation would not be at odds with the broader policy of supporting the emergence of democracy in Burma. An investigation would address the longstanding violence by the military - and the impunity it has enjoyed - and would be a necessary step in moving away from the country's past military dominance.

Second, the U.S. government should use all the tools available to encourage Burma to dismantle the laws and policies that persecute minorities. The outbreaks of physical violence are perhaps the clearest manifestation of these state policies, but forms of structural violence that devastate Rohingya communities - including restrictions on access to health care and education, the denial of citizenship, and the freedom of movement - must also be eliminated in order to more fully protect Rohingya from future atrocities.

Third, Congress can ensure that no further benefits are extended to the Burmese government, including its military, until mass atrocities cease and the Burmese government upholds its responsibility to protect all of its people.

Finally, Congress can ensure that our policy regarding Burma centers on human rights and the protection of civilians, including Burma's minority communities. Ending mass atrocities must not be ancillary to other efforts related to economic growth or development. In fact, ending atrocities and promoting civilian protection is part of the same effort to promote peace and stability throughout the country. Our interviews revealed a genuine excitement by donors and the international community about new investment opportunities and development work in Burma. But an influx of development will help those who are best placed to be able to benefit from it - and it will not reach populations, including the Rohingya, who have been explicitly disconnected from accessing opportunities for growth within the country. More broadly, investments and achievements in development will not be secure if there is little progress regarding peace and stability in the country. Ending atrocities and dismantling the policies that allow them to continue, in addition to being a moral imperative, will create environments more conducive to investment and development. There can be no sustainable development, and no sustainable transition to democracy, if Burma's security forces are allowed to act with such brutality. Investigating crimes and promoting accountability must be central to broader efforts at strengthening Burma's development more broadly.

As I think back to the refugees I met in Cox's Bazaar, Bangladesh, near the Burmese border, I think of the range of experiences the refugees shared when fleeing their villages. Some relied on the kindness of neighbors and strangers as they sought safe passage across the border, some were exploited by those seeking to profit off of trauma. The stories mirrored those told in our own Museum, which describe the varied human responses to mass suffering. The Burmese government has registered its response - one based on denials and restrictions on those who seek the truth. Now, the U.S. government has the ability to shape its own responses to mass atrocities in Burma today. Congress has the opportunity to bear witness to atrocities taking place today, and the mandate to translate that awareness into action that ends atrocities.