

Confronting Genocide in Myanmar: ICSF Statement

We are deeply concerned at the ongoing genocide of the Rohingya population in Myanmar, and the ensuing humanitarian crisis which has led nearly half a million refugees to cross the border into Bangladesh in the last three weeks. We seek an immediate end to this deepening humanitarian catastrophe, acknowledgement of the rights of the Rohingyas and accountability for the international crimes which have been, and are being, committed against them.

The Crisis

More than 430,000 refugees belonging to the minority Rohingya population of Rakhine State in Myanmar have crossed the border into neighbouring Bangladesh since August 25, 2017 fleeing the latest spate of violence against them perpetrated by the Myanmar security forces, often aided by certain civilian groups. According to reports by rights groups, satellite imagery, news reports, and eyewitness accounts, there have been widespread killings, rape, arson, wanton destruction of property and forceful displacement of the Rohingyas since so called '*clearing operations*' by the Myanmar security forces started.

While the Myanmar Government and security establishment claims that the events have resulted as a response to certain terrorist act/s allegedly committed by a group named Arakan Rohingya Salvation Army (ARSA), the extent of the human sufferings clearly show that the response has been grossly disproportionate to the aim being pursued, if at all justified in the first place. In any event, this is not the first time that the Rohingyas have been subjected to state-sponsored violence. Termed '*the most persecuted minority in the world*' by the United Nations, the Rohingyas have faced decades of widespread and systematic state-sponsored discrimination, violence and denial of their ethnic identity.

The Rohingya are a predominantly Muslim ethnic minority of one million people that has lived in Rakhine state for centuries. Under Myanmar's constitution and its citizenship law, they are not classified as one of 135 legally recognised ethnic minority groups with Myanmar citizenship. Without citizenship, the Rohingya have no rights in Myanmar. They are stateless and without identification cards. This restricts them from travelling, obtaining passports, getting access to education or healthcare, acquiring land and property rights and ownership, or joining government employment. Marriage restrictions are imposed on them and couples are limited to two children. They are subject to forced labor, extortion and other coercive measures.

While the United Nations Human Rights Council has stated that the actions of the Myanmar government amounts to a '*textbook example of ethnic cleansing*', ICSF feels that the actions and subsequent consequences actually constitute much more than just ethnic cleansing, and clearly passes the threshold of genocide, crimes against humanity, and other international crimes.

It is genocide.

Bangladesh's Response

We applaud the exemplary humanitarian response of the Bangladesh Government in providing temporary refuge to the 430,000 Rohingyas who fled the recent violence, on top of around 400,000 Rohingya refugees already sheltered over the years. In total, Bangladesh is now giving shelter to over 830,000 Rohingya refugees from Myanmar. The country is now facing a mammoth task of providing shelter, food, healthcare etc for this overwhelming number of refugees. It came to our knowledge that these are some of the steps that have already been undertaken:

- Establishing 14,000 additional shelters on some 2,000 acres of land specially allotted near Kutupalong, Cox's Bazar, each such shelter having the capacity to accommodate 6 families.
- Setting up 5,000 sanitary latrines and 100 deep tube-wells at Balukhali Panbazar Camp.
- Setting up 8 free kitchens to serve cooked meals to the refugees from 12 spots in Balukhali and Kutupalong camps till such time as the refugees are brought under a relief programme.
- Starting a vaccination campaign against measles, rubella and polio to immunize 150,000 Rohingya children below the age of 15 in 68 refugee camps.
- Setting up 20 additional medical camps in the refugee camp areas.
- Accepting responsibility for the welfare of 1,300 children who have arrived unaccompanied, their parents either having been killed or lost.
- Ensuring that no one profits from passage of refugees from Myanmar to Bangladesh. 100 boatmen have already been penalised by Bangladesh officials for attempting to do so.

Despite the aforementioned steps, the task ahead for Bangladesh remains difficult due to the number of refugees and the uncertainty regarding the time by which they can return to their homeland in Myanmar. This makes the role of the international community that much crucial in supporting a country which has opened its borders to accommodate a persecuted group.

International Humanitarian Response

We commend the humanitarian aid which has been delivered or pledged to Bangladesh by various countries and organisations for the refugees. We also commend the work being done on the ground by the various aid and donor organizations. However, given the scale of the

crisis and the likelihood of the duration of it persisting, we feel that the response, especially from the developed nations needs to be more proportionate and grounded in reality.

It should be noted that such support is required not only to handle the immediate necessities of the refugees themselves, but also to enable Bangladesh to mitigate the environmental impact of such an undertaking, to increase its capacity to handle the resulting security situation in the coming months especially as against opportunism from the regional and transnational Islamist extremist groups, to continue education and healthcare support for the refugees and their long term rehabilitation and well being.

Calls for Action

Myanmar

1. We call on the Myanmar authorities pay heed to international opinion and immediately stop its persecution of Rohingya, instruct its security forces to exercise restraint, recognise the Rohingyas as an ethnic group, repatriate the Rohingya refugees in Bangladesh and elsewhere, lift long standing restrictions on the community and grant all Rohingyas their full citizenship rights that they deserve. Many of these points have already been recommended by a Commission Report prepared by the former UN Secretary General Kofi Annan.
2. We call on the Myanmar Government to allow unfettered access to, and security to, the UN fact finding team to assess the level of the recent atrocities, the humanitarian and aid agencies and international press and media.
3. We call on the civil society of Myanmar to recognise the plight of the Rohingyas and the severity of its security operations. We further call upon all multinational and transnational companies working in Myanmar to unequivocally recognise the humanitarian crisis.

Neighbours

4. We call on neighboring countries like India, China and other ASEAN countries to denounce the actions of the Myanmar authorities in the strongest possible terms and persuade Myanmar to resolve the crisis immediately including the possibility of sanctions from the international level to effect compliance.

International Community

5. We call on the international community to step up efforts in ensuring justice for the Rohingyas and accountability for the State of Myanmar. There can be no lasting peace and democracy without justice and accountability for grave international crimes such as genocide. As Myanmar remains a non-signatory to the Rome Statute, there is a jurisdictional bar to investigate and prosecute Myanmar at the International Criminal Court (ICC). This is why we call on the responsible states of the world community, including Bangladesh which is the only ICC State Party in South Asia, to sponsor a UN Security Council resolution to refer Myanmar for its atrocities to the ICC for investigation and prosecution. We also call on all the members of the UN Security Council to pass such a resolution, if and when it comes for their consideration.

6. We call on the international civil society and all countries of the world to exercise vigilance to invoke universal jurisdiction against alleged perpetrators of international crimes from Myanmar whose names have already been revealed as a result of reports by the press and rights organizations.

7. We further call on the international community to recognise with due seriousness the decades of persecution and discrimination on the Rohingyas and other minority groups in Myanmar to ensure that such atrocities are never repeated anywhere. We believe, ignoring a genocide and crimes against humanity actively invites further such crimes to be committed. In this regard, we call on all concerned to record and document the evidences of crimes committed, along with the testimonies of the victims of these crimes, so that the perpetrators can be brought to justice.

International Crimes Strategy Forum (ICSF) is an independent global network of experts, justice advocates and organizations committed to end impunity for international crimes, ensure justice for victims of these crimes, and uphold rule of law and human rights.

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