Date : 16 May 2017

REPORT ON ROHINGYA REFUGEES IN BANGLADESH TELL OF HORRORS IN MAUNGDAW

Summary

- Reports continue to implicate security forces in widespread destruction of Rohingya homes, rape and sexual humiliation, torture and indiscriminate killing of civilians.
- Witnesses claim that recent fighting between militants and security forces was limited to a short period of time and the majority of events reported by the Government as skirmishes were security forces attacking civilian population indiscriminately
- Recent events have displaced at least 30,000 people and created dire need for food and aid for at least 70,000 people in Maungdaw. 15,000 people were believed to have been displaced on November 12th and 13th alone.
- If witness accounts of abuses by security forces are proven true they qualify as Crimes Against Humanity in violation of Rome Statute Article 7(1), The Statute of the International Criminal Tribunal for Rwanda (ICTR) Article 3, and The Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia (ECCC), Article 5.
- Burmese government must immediately allow an international independent body to investigate and allow international and local media to access the crisis area
- Burmese government must allow international aid agencies to access to the crisis areas and allow them to deliver food and aid to vulnerable people and affected people
- International community must immediately consider effective measure to protect the Rohingya civilians in Northern Rakhine State

Methodology

The Burma Human Rights Network interviewed nearly two dozens witnesses since the attacks on November 12th and 13th who have fled from northern Maungdaw to Bangladesh. Witnesses interviewed were from Nga Sar Kyu, Kyet Yoe Pyin, Kyar Gaung Taung, Dar Gyi Zar and Yae Khat Chaung Gwa Son. The BHRN sought to confirm identities of those interviewed when possible by communicating with residents in the villages and hamlets witnesses claimed to have fled from in order to verify their names and family names.

The BHRN also communicated with local villagers from areas described by witnesses to corroborate the details they relayed, while also comparing their statements with reports from other NGOs and major media outlets. The names of witnesses are not revealed in this report to prevent any future harm to those interviewed or their families.

Findings

The Burma Human Rights Network (BHRN) is continuing to monitor events in Burma's Rakhine State with as reports continue to emerge of human rights abuses against the ethnic Rohingya population, including the indiscriminate or intentional killing of civilians, the use of rape and gang rape as a weapon, sexual abuse and sexual humiliation, intentional destruction of food

and livestock, arson of civilian homes and buildings, sweeping arbitrary arrests and torture of Rohingya held in detention.

The BHRN has interviewed several witnesses in Bangladesh who fled from Nga Sar Kyu, Kyet Yoe Pyin, Kyar Gaung Taung, Dar Gyi Zar and Yae Khat Chaung Gwa Son villages in Maungdaw. The BHRN was also able to contact Rohingya in Burma who had to flee their homes, but were still hiding inside of the country in neighboring villages or in nearby paddy fields.

“If the reports we and other organizations have heard are true, the Burmese army is clearly committing Crimes Against Humanity against the Rohingya population. The international community must not allow Burma to continue these abuses or excuse them as part of a political transition. Burma must allow an independent international body to investigate. This must include international and local media who have been denied access to Maungdaw. Burma must also allow humanitarian aid access to the crisis areas,” said Kyaw Win, Executive Director of BHRN.

On November 12th and 13th fighting reportedly broke out between Burmese Security forces and Rohingya militants from the al Yaqeen group. After initial skirmishes that resulted in the deaths of Burmese soldiers the military began to use a helicopter gunship in the fight, with reports emerging from activists and media outlets of high numbers of civilian casualties. The BHRN was able to interview a 13 year old boy who managed to flee from the fighting after being severely injured. The boy’s injuries include a serious deep wound on his back and smaller wounds elsewhere on his body.

The boy said he was in Kyar Gaung Taung, near Yay Khae Chaung Khwa Sone, at a time when fighting escalated on November 12th. The boy says he was hit on November 13th when a helicopter was firing overhead, but he is not sure what he was hit by. His injuries suggest he was hit by shrapnel during the attack. At the time he was hit the boy said that all the men from the al Yaqeen had already fled the village one-day prior and that no one was attacking the army. He said that while only civilians remained the army continued to open fire on them indiscriminately. The boy said he was unsure of how the fighting began initially, but that he heard gunfire in the distance.

Villagers in contact with al Yaqeen have mixed accounts of how the fighting began, but some have suggested the initial attacks may have been an ambush against the military by the group. If this proves true the BHRN condemns initiating conflict in civilian areas and urges all parties to avoid doing so at all costs to reduce civilian casualties.

Villagers interviewed from Kyar Gaung Taung and Yay Khae Chaung Gwa Son described a number of horrifying acts committed by the army after the attacks on November 12th. Witnesses described arson of Rohingya homes by security forces. Similar reports have emerged from several outlets and have been corroborated with satellite photos from Human Rights Watch over the past month. The BHRN interviewed two witnesses who said that security forces intentionally chained civilians inside the homes before burning them down, purposefully burning the men inside to death. In the days following the fighting unconfirmed photos emerged of

bodies severely burnt among the ashes of homes that were destroyed, further suggesting witness statements may be accurate.

Reports of rape have continued to emerge following the skirmishes. The BHRN has continued to receive reports of rape and gang rape being used as a weapon across northern Maungdaw. New reports have also emerged of the Burma Military using sexual humiliation against Rohingya women in Maungdaw. One refugee told of instances where women were stripped naked and forced to stand in the sun in an effort to degrade them. Other witnesses have told the BHRN that soldiers have threatened to rape or torture civilians if they are unwilling to cooperate with security forces by telling them information regarding the militants and where they are hiding their guns.

Two Rohingya women interviewed by the BHRN claimed at one point the army gathered them along with around 30 other women and took them into the forest near their village. The women said they were threatened with rape if they did not tell the soldiers the whereabouts of the militants or where they were hiding their weapons. The women said some of the others women were beaten and raped at this time as well, but that the soldiers became distracted at some point when another soldier ordered them over from the distance, at which time the women said they were able to escape.

BHRN was able to contact locals from the village the women claimed to have fled from to verify their names and families. The BHRN was also told by locals that women by the same names had fled to Bangladesh. While verification of refugees is extremely difficult to perform, the evidence suggests that the identities of the women interviewed are authentic. The BHRN has also collected information from several other Rohingya who fled to Bangladesh describing similar events where soldiers were reported to have gathered women and taken them away to police outposts or nearby wooded areas. One witness BHRN spoke with said women returning from being held at an outpost told him they had been raped by security forces while they were there. While difficult to verify these accounts, the volume at which similar stories are being told to NGOs and media outlets demands further examination.

The BHRN received several statements from witnesses describing the “slaughtering” of Rohingya by security forces, which all witnesses have clarified to mean slaughtered with a knife in a way similar to killing an animal by cutting its throat. In one case a woman speaking to the BHRN claimed to have witnessed this happening to her husband whom she said was attacked as he was standing in front of his home.

Witnesses frequently described the use of “Launchers” by the military on civilian areas, but it remains unclear if this is a reference to rocket launchers or mortars. Many of the injuries of those interviewed by the BHRN seem consistent with those sustained by shrapnel and are difficult to assess beyond that at this time.

Witnesses reported that during several of the raids by security forces civilians were threatened with various forms of punishment if they did not tell the location of the militants and their weapons. One witness told the BHRN that in some cases soldiers referred to the militants by

name as al Yaqeen, while other soldiers did not know the name of the group. Reports of frequent and harsh attempts to extract information combined with what appears to be a lack of certainty among soldiers suggests that they are in many ways unsure of who they are meant to be fighting. This confusion between civilian and combatant coupled with what appears to be intentional attacks on civilians seem to be major contributing factors in the high number of reports of civilian casualties. Similar reports of indifference between combatant and non-combatant, as well as reports of human rights abuses related to attempts to extract information about armed groups, have been frequent in other areas of the country where ethnic armed groups are active.

Refugees who fled earlier in October have described similar abuses of coordinated efforts to burn down Rohingya homes, looting property, indiscriminate killings, arbitrary arrests and destruction of property. One witness described especially horrific events, which have been corroborated by witnesses inside of Maungdaw, of a family being gunned down in their home by Burmese soldiers. Witnesses state that five of the family members, including small children and a newborn baby were killed after the family refused to allow soldiers to enter their home. One woman who was said to have been injured in the incident escaped, and was able to receive medical attention in Bangladesh, according to her family members. A man saying he is an in-law to the family said he saw those who were killed with his own eyes in a mass grave.
Witnesses from different villages who had fled to various locations have universally described the same methods of arson by security forces to BHRN, where they stated soldiers poured petrol on roofs and in houses and then lit the homes on fire.

The use of rape in war, murdering of civilians, forced displacement, Persecution on political, racial, religious or ethnic grounds, and torture are all considered Crimes Against Humanity and in clear violation of Rome Statute Article 7(1), The Statute of the International Criminal Tribunal for Rwanda (ICTR) Article 3, and The Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia (ECCC), Article 5. As these reports emerge it is imperative that the international community take them seriously and seek to investigate them as such.

An understated but incredibly worrying trend in Northern Maungdaw appears to be a coordinated attempt to loot or destroy food and aid by security forces. Witnesses who spoke to BHRN almost universally described events where Burmese soldiers and police stole, consumed and in some cases destroyed massive amounts of rice, oil, vegetables and livestock. Many of the Rohingya BHRN spoke with in Bangladesh said the decision for them to leave Burmese was directly related to food insecurity.

Recent reports estimate that at least 30,000 Rohingya have been displaced as a result of the fighting and 70,000 are in dire need of food. 15,000 may have been displaced from the events on November 12th and 13th alone.

While Rohingya have fled to Bangaldesh to seek safety they have been met with resistance by Bangladeshi security forces, with hundreds reportedly now being returned to Burma. Rohingya refugees living in Nayapara and Kutupalong refugee camps have told BHRN that police and border guard agents are searching for new refugees, and warning established refugees not to

help or accept new arrivals from Burma. While earlier reports indicated many were fleeing into Bangladesh by land crossings, an increasing number are reportedly now paying fishermen to take them across the Naf River to do so. One witness described being chased and shot at by Burmese security forces as he crossed the river by fishing boat. Another witness described a family he saw trying to swim across the Naf, where he said a small child died in its mothers arms because she was not able to swim properly. The BHRN was informed that detectives are also active in the area looking for suspected militants.

The BHRN repeats prior calls on the Burmese Government to abide by International Law and investigate all reported violations. The Burmese Government must allow full access of Maungdaw to NGO's and Media to ensure transparency, that further violations do not occur and that civilians trapped in Maungdaw have complete access to all available aid. A full and transparent investigation by the UN must be allowed to occur for any thorough and credible report to emerge from the city. If Burma wishes to exonerate itself from recent accusations they can only do so by cooperating with a full impartial investigative team. The BHRN calls on the international community to review their policies and relationship towards Burma in regards to recent events and to seriously consider the use of targeted sanctions if an investigation is not allowed or if violations continue. The BHRN calls on the government of Bangladesh to accept and host all coming refugees as required by international law, and allow full access for all relevant UN agencies and NGOs to help assess and accommodate those crossing the border. The BHRN calls on all ASEAN nations to use their power and close relationship with Burma to increase pressure on the Burmese government and military to comply with International Law and cease any further violations.

"The Burmese government and its leaders have given far too many excuses for recent events. They claim they are part of democratic reforms but have not ceased or even attempted to stop what appears to be Crimes Against Humanity against the Rohingya people. They have allowed anti Muslim hatred to become worse than it has ever been before in the country. Only the military of Burma is benefiting from this situation while the people continue to suffer," Kyaw Win elaborated.

Notes for Editors

Background on current situation:

On October 9th three Border Guard Police posts near the Burma-Bangladesh border were overrun by a group of militants believed to be ethnic Rohingya, a marginalized Muslim ethnic group in western Burma. Nine police officers were killed in the attack. In response the Military moved to Maungdaw, near where the attack happened. The subsequent crackdown on the city has been especially harsh On November 12th and 13th clashes were reported between security forces and the militants with casualties reportedly on both sides. As a result a more intense crackdown has followed.

Background on the Burma Human Rights Network (BHRN)

Burma Human Rights Network (BHRN) works for human rights, minority rights and religious freedom in Burma. BHRN has played a crucial role advocating for human rights and religious freedom with politicians and world leaders.

Date : 16 May 2017

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