

Written evidence from Burmese Rohingya Organisation UK (BROUK) (MYA0015)

The Burmese Rohingya Organisation UK (BROUK) is based in London, United Kingdom, and was established in 2005 by diaspora Rohingya. We work to highlight the plight of Rohingya internationally, advocate for Rohingya rights and to support the Rohingya community both inside Myanmar and in other countries.

Summary

- It is our strong belief that the genocide perpetrated against the Rohingya by the Myanmar military, and the lack of international action in response, helped pave the way for the military coup on 1st February. The military faced no real consequences after the genocide, and that impunity was part of creating an environment that led them to believe that they could get away with anything.
- The brutal crackdown by the military on protestors after the coup has exposed the ugliness of the military to the Burmese in the cities and central Myanmar, who although never supportive of the military, never had to endure its violence in the same way as ethnic minorities, including the Rohingya. This new experience by many young people in the cities has increased solidarity with ethnic groups, and with the Rohingya, which has increased prospects of reconciliation between ethnic minority groups and the majority Bamar population post-coup.
- The international community, including the British government, must support efforts for justice and accountability, both for the military's crimes during the coup, and the crimes before. Justice initiatives that need to be supported and advocated for include referral of Myanmar to the International Criminal Court (ICC) or the set-up of an ad-hoc tribunal, joining the Rohingya genocide case at the International Court of Justice (ICJ) and supporting cases brought forward under Universal Jurisdiction.
- Economic ties to the military junta need to be cut, and economic sanctions already introduced need to be expanded.
- The UK government should recognise the National Unity Government (NUG) as the legitimate government of Myanmar, but only after they have made commitments regarding the restoration of Rohingya citizenship as well as justice and accountability that includes the Rohingya.
- Bangladesh needs to accept that the military coup has made it impossible for Rohingya refugees in Cox's Bazar to return in the near future, and the international community needs to financially support the Bangladeshi government to deal with a protracted refugee crisis.

The Rohingya genocide as a precursor to the coup

1. The developments in Myanmar over the last decade, up until the military coup on 1st February, had been largely applauded by the international community, despite obvious signs of reversal in terms of human rights and an increase in violent attacks against ethnic groups. Despite the uncomfortable power sharing arrangements between the civilian NLD government and the military, the NLD government did not improve the situation for human rights in areas over which it had control, including freedom of speech and freedom of assembly, repealing repressive laws, releasing political prisoners and countering hate speech. They stayed silent when the Burmese military, the Tatmadaw, committed human rights violations, especially against ethnic minorities and they blocked aid access and access

of human rights observers to areas, including in Rakhine State. They did not repeal any discriminatory laws which affected the Rohingya, did not work towards reinstating Rohingya citizenship and kept over 100,000 people in open-air prison camps in Rakhine State.

2. Worse, during the genocidal campaign against the Rohingya between 2016 and 2017, in which thousands were killed and close to 800,000 Rohingya fled to Bangladesh to escape the violence, Aung San Suu Kyi and the NLD leadership defended the Tatmadaw's actions, denied that a genocide had taken place, and continued to propagate hate speech against the Rohingya. In the lead up to the 2020 elections, the Rohingya were fully disenfranchised from voting or standing as candidates. Aung San Suu Kyi personally went to the International Court of Justice (ICJ) to defend Myanmar's treatment of the Rohingya.
3. The reaction of the international community towards the genocide of the Rohingya was pathetic. Despite the Human Rights Council establishing the Independent International Fact-Finding Mission on Myanmar in 2017 as a response both to the Rohingya genocide and attacks on other ethnic groups in Myanmar, no country in the world has fully implemented the recommendations made by the Fact-Finding Mission.
4. Instead, the only practical measures taken by the United Kingdom were to cancel its military training with the Tatmadaw, and (through the EU) sanctioning 7 senior military officials, not including the commander-in-chief Min Aung Hlaing, through an asset freeze and a travel ban. There has been no acknowledgment that any of the sanctioned individuals have any assets in the UK, so the full response to the genocide consisted of a travel ban for a handful of people.
5. The UK did sanction Min Aung Hlaing and army commander Soe Win after leaving the EU through the Magnitsky sanctions. But these sanctions have no real teeth when it comes to Myanmar, it is the economic interests of the Tatmadaw *as a whole* that need to be targeted.
6. The British government did not even state publicly that it supported, in principle, the referral of Myanmar to the International Criminal Court, ICC, after the genocidal campaign against the Rohingya.
7. The Gambia brought a case to the International Court of Justice, ICJ, claiming that Myanmar was in breach of the genocide convention. Although the British government has declared its support for the case, they have not formally joined it, unlike the Netherlands and Canada.
8. The genocidal campaign against the Rohingya laid the groundwork for the military coup in that the Tatmadaw never suffered any real consequences for its actions. The coup has also exposed the myth that a power sharing arrangement with the military was ever possible long term, and that it is possible to appease the Tatmadaw in its current form.

The military coup

9. As the Burmese people rose up against the undemocratic seizure of their country on 1st February, the Tatmadaw unleashed a brutal and violent assault on the peaceful civilian protesters. This has led to demands for accountability for the crimes being committed against the Burmese people. BROUK stands in solidarity with its Burmese brothers and sisters in their call for justice and accountability.
10. It is critical, both in terms of restoring Myanmar on its path to democracy and in seeking justice and accountability for crimes committed by the Tatmadaw, that these efforts fully include the Rohingya. A return to democratic governance in Myanmar cannot be a return to the status quo of the past. Indeed, it must be acknowledged that the previous democratically elected civilian government did not reform the discriminatory laws and policies that target the Rohingya or rein in the Tatmadaw's violent repression of the Rohingya people.

11. We feel hopeful with the solidarity shown towards Rohingya from Burmese people, especially young people, on social media after the coup, but we still need to see more from the leadership of the National Unity Government (NUG), which has formed in exile after the coup and which seeks legitimacy internationally as the true government of Myanmar.
12. The international community needs to support ongoing justice initiatives that relate to the treatment of the Rohingya, such as the case at the ICJ and the case at the ICC, which only deals with a small part of the injustices suffered by the Rohingya. Any justice initiatives advocated by the National Unity Government (NUG) need to include events before the military coup, both for the sake of justice for Rohingya and for other ethnic groups in the country. The international community should support this.
13. The UK government should work for a referral of the situation in Myanmar to the ICC through the UNSC, or create an ad hoc international criminal tribunal that includes within its temporal jurisdiction past crimes committed against ethnic and religious minority groups, including the Rohingya.
14. The reaction of the international community to the military coup has been more robust than the reaction to the Rohingya genocide, which is admittedly not saying very much, but it has still been too slow and too little. The British government should act decisively and simultaneously on all available options including sanctions, justice initiatives and global action on arms embargoes.
15. We support the sanctions on Myanmar Economic Holdings Limited (MEHL), Myanmar Economic Corporation (MEC) and Myanmar Gems Enterprise (MGE) that have been introduced by the British government that clearly target the military's economic interests. We urge the British government to follow up with more targeted sanctions on the military's economic interests. This includes sanctions on state owned timber enterprises and a ban on imports of timber and gems. Action should be taken against the Myanmar Oil and Gas Enterprise (MOGE) which has a \$1 billion annual revenue. MOGE falls directly under military control.
16. ASEAN has never done anything to support democracy and human rights in Myanmar, or in response to the genocide of the Rohingya, and it is unrealistic to think they will start now. International efforts by the British government needs to be made through other avenues.

Rohingya refugees in Bangladesh

17. It is important to point out what the coup means for the officially 884,041¹ Rohingya refugees in Cox's Bazar, Bangladesh. Under the NLD-led government the prospect of refugees returning were vanishingly small, but under a military dictatorship it is impossible.
18. The Rohingya refugee camp in Cox's Bazar is still the largest refugee camp in the world, and over half its inhabitants are children.² They live in squalid conditions, do not have access to education, to sanitation, to decent dwellings. Different sections of the camps are fenced off with barbed wire, which is believed to have increased the death toll of the fire that raged through the camp on 22 March.³ Bangladesh is deliberately making living conditions in the camps horrible in order for Rohingya to leave, but that is clearly not happening.

¹ Joint Government of Bangladesh – UNHCR Population factsheet as of 31 March 2021.

<https://data2.unhcr.org/en/documents/details/86233>

² Ibid.

³ <https://www.thenewhumanitarian.org/news/2021/3/23/rohingya-camp-fire-barbed-wire-fences-blocked-escape>

19. The UK needs to put political pressure on Bangladesh to start planning for a protracted refugee crisis. It should also take the lead, as it has in the past, in organising a donor conference to raise the funds necessary to make Rohingya life bearable in the camps, as well as provide its own financial contribution.

Recommendations

20. We call on the UK government to formally join the Rohingya genocide case at the ICJ brought by the Gambia and to publicly support a referral of Myanmar to the International Criminal Court, as well as starting to examine the avenues for an ad hoc tribunal, if ICC referral is impossible through the UN Security Council.⁴
21. We call for the imposition of more sanctions on the Tatmadaw's economic interests including oil, gas, timber and gems.
22. We call for stronger support, including financial, for Rohingya refugees in Bangladesh.
23. We call for the UK government to work on a global arms embargo, and to put pressure on individual states with no arms embargo to introduce them. For example, the UK government can use its position in the Commonwealth to put pressure on Commonwealth countries to introduce unilateral arms embargos against Myanmar.
24. We call on the UK government to recognise the National Union Government (NUG) as the legitimate government of Myanmar *when* it includes Rohingya representation, has publicly clarified its position in relation to restoring ethnic rights and citizenship rights for the Rohingya as well as the removal of discriminatory laws and policies targeting the Rohingya, and committed to justice and accountability for the 2017 genocidal attack and subsequent expulsion of Rohingya.
25. We call on the UK government to encourage the NUG to cooperate with all international justice efforts, and provide financial and technical resources to it to do so.

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⁴ We have explored all justice alternatives available in a new briefing. BROUK, May 2021: Paths to Justice: Opportunities for Inclusive International Justice in Post-Coup Myanmar. <https://www.brouk.org.uk/wp-content/uploads/2021/05/BROUK-Briefing-Paths-to-Justice.pdf>