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## **Rohingya: the EU has not done all it can and could do more**

IRF Roundtable (10.10.2020) - The [Justice 4 Rohingya](#) is circulating a letter to advocate for stronger measures from the EU to protect the Rohingya Muslims in Myanmar. See below for more information from their organization:

The Justice 4 Rohingya believes that:

- The EU has not done all it can to ensure justice and accountability for the violations of international law against the Rohingya and other ethnic groups in Burma,
- the EU has done all it can to support the humanitarian needs of Rohingya in Burma and of Rohingya refugees,
- and the EU could do more to promote the rights of the Rohingya, both in Burma and in host countries such as Bangladesh.

The letter has very good concrete proposals to drastically step-up the actions in defense of one of the most discriminated and persecuted minority today in the world: the Rohingya.

### ***Letter for the protection of the human rights of Rohingya in Burma***

To: Ursula von der Leyen, President of the European Commission  
David Sassoli, President of European Parliament  
All Members of the European Parliament  
Eamon Gilmore, EU Special Representative for Human Rights

Cc: Ahmed Shaheed, UN Special Rapporteur on FoRB

Dear Madams, Dear Sirs,

We write as an informal group of organizations and individuals who are scholars, religious leaders and human rights advocates. We are a truly multi-faith group, representing a high degree of diversity. While there is very little we agree on theologically, or politically, we all agree on the importance of religious freedom for all faiths and none.

We strongly believe that the European Union (EU) has not done all it can to ensure justice and accountability for the violations of international law against the Rohingya and other ethnic groups in Burma.

Neither has the EU done all it can to support the humanitarian needs of Rohingya in Burma and of Rohingya refugees.

We think that the EU could do more to promote the rights of the Rohingya, both in Burma and in host countries such as Bangladesh.

To this date, nor has the EU committed itself to implementing the recommendations of the Independent United Nations Fact-Finding Mission on Myanmar, available here: <https://burmacampaign.org.uk/media/International-Fact-Finding-Report-on-Myanmar.pdf>.

We understand that there is no single measure that can be taken to address the Rohingya crisis, and that it will take a combination of a wide range of measures. The following are five actions the EU can do immediately to start that process of helping to address the Rohingya crisis, that we advocate for.

Five steps the EU can take now to address the Rohingya crisis:

### **1. Impose sanctions on military companies**

The Burmese military earns hundreds of millions of dollars a year through its vast range of military-owned companies. Burma Campaign UK has published a 'Dirty List' exposing international companies linked to military-owned companies.

The EU should immediately impose sanctions to stop British companies and others doing business with the military and helping to fund genocide. The Independent United Nations Fact-Finding Mission on Myanmar, and Burmese human rights activists, including Justice For Myanmar, have called for such sanctions.

### **2. Join the genocide case at the International Court of Justice**

Gambia has brought a case against Burma at the International Court of Justice that Burma is in breach of the Genocide Convention. Gambia is supported in the case by 56 other members of the Organisation of Islamic Co-operation, the Maldives, Canada and the Netherlands. The British government has refused to join.

### **3. Stop funding the Union Election Commission**

The Union Election Commission (UEC) is responsible for the administration of elections in Burma. Its members are appointed by the government. The UEC discriminates against Rohingya seeking to be candidates in Burma's elections, banning them from standing. It has also acted in a discriminatory way against Muslim and other potential ethnic candidates. The UEC receives funding from the British government, as well as from the European Union, Norway and other countries.

### **4. Protect and increase funding for refugees and IDPs**

International donors, including the UK, do not prioritise the need of refugees and IDPs from Burma when making aid spending decisions. In recent years, aid to refugees in Thailand has even been cut, causing immense suffering to vulnerable populations.

With significant cuts in the UK and EU aid budgets on the way, the funding for IDPs and refugees should not only be ring-fenced, but actually increased. These populations are aid dependent and as a number of governments are unwilling to take steps to help them return home safely, we have a special responsibility for their wellbeing.

### **5. Citizenship is essential for safe return of Rohingya refugees and addressing root causes. Real pressure is needed on Aung San Suu Kyi's government**

Just as the military must be held accountable for their crimes against the Rohingya and other ethnic groups, so must Aung San Suu Kyi's government. Aung San Suu Kyi is

breaking international law by denying the Rohingya citizenship, restricting international aid to the Rohingya and implementing a range of laws and policies which are designed to make life unbearable for the Rohingya, and which are part of the genocide against them.

Years of attempting quiet diplomacy to persuade Aung San Suu Kyi to change her discriminatory policies against the Rohingya have completely failed. During the first five years of her government, the situation of the Rohingya has deteriorated on every level, and elections in November 2020 again exclude Rohingya from voting and standing as candidates.

The EU Institutions should publicly advocate for an immediate change to the Citizenship Law in Burma to ensure that the Rohingya's right to citizenship is recognised. The EU Institutions should review whether it should continue to provide development and humanitarian support to and through the government, in light of the appalling human rights record of Aung San Suu Kyi's government.

We therefore respectfully request you to take these proposals into account, and step-up drastically the actions in defence of one of the most discriminated and persecuted minority today in the world: the Rohingya.

If you want to sign this letter, write to <https://www.irfroundtable.org>.

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## **U.N. Court orders Myanmar to protect Rohingya Muslims**

***The injunction was issued by the International Court of Justice at The Hague, where accusations of genocide have been brought against the Southeast Asian country.***



*Rohingya refugees after crossing into Bangladesh from Myanmar in September 2017. Credit...Adam Dean for The New York Times*



**By Richard C. Paddock**

New York Times (23.01.2020) - Rejecting arguments made by Myanmar's civilian leader, Daw Aung San Suu Kyi, the International Court of Justice at The Hague ruled on Thursday that Myanmar must take action to protect Rohingya Muslims, who have been killed and driven from their homes in what the country's accusers call a campaign of genocide.

The court said Myanmar must "take all measures within its power" to prevent its military or others from carrying out genocidal acts against the Rohingya, who it said faced "real and imminent risk." It also essentially put Myanmar under court oversight, telling it to submit regular reports to the tribunal explaining what steps it had taken.

The decision is the first international court ruling against Myanmar over its military's brutal treatment of the Rohingya. While the court has no enforcement power, any member of the United Nations can request action from the Security Council based on its rulings.

"The chances of Aung San Suu Kyi implementing this ruling will be zero unless significant international pressure is applied," said Anna Roberts, executive director of the rights group Burma Campaign UK.

The nation of Gambia [brought the case to the tribunal](#), the United Nations' highest court, in November on behalf of the 57-nation Organization of Islamic Cooperation. Gambia's legal team asked the court to condemn Myanmar for violating the Genocide Convention. A ruling on that question could be years away.

But Gambia also asked the court for more immediate action: a temporary injunction ordering Myanmar to halt all actions that could make the Rohingya's situation worse, including further extrajudicial killings, rape, [hate speech](#) or the [leveling of homes](#) where Rohingya once lived. The tribunal held [three days of hearings](#) on that issue last month.

Ruling in Gambia's favor on Thursday, the court did not give Myanmar any specific instructions for ensuring the Rohingya's safety. But it said the country must ensure that they are not subjected to acts of genocide, including killing, causing serious bodily or mental harm, or deliberately imposing conditions meant to bring about the destruction of the Rohingya population.

The court, headed by Judge Abdulqawi Ahmed Yusuf of Somalia, also ordered Myanmar to report back within four months on what steps it has taken, to preserve evidence

relevant to the genocide case, and to submit further reports to the court every six months after that for as long as the case remains open.

Attorneys representing Myanmar and Gambia in The Hague could not immediately be reached for comment. Spokesmen for the military and for Ms. Aung San Suu Kyi, who was not in court on Thursday, also could not be reached.

In 2017, Myanmar's military, known as the Tatmadaw, waged a brutal assault against the Rohingya in the western state of Rakhine, prompting more than 700,000 to flee to neighboring Bangladesh, where they now live in squalid conditions in [the world's largest refugee camp](#).

[United Nations officials have said the campaign amounted to genocide](#). Investigators say thousands were killed. Surviving Rohingya have described such atrocities as [the murder of children](#) and the gang rape of women and girls by soldiers.

About half a million Rohingya are still in Myanmar, also known as Burma, including about 100,000 people who were forced from their homes — some of them in waves of violence that preceded the 2017 campaign — and now live in camps. The Gambia legal team argued that they are in "grave danger" of further genocidal acts.

A spokesman for the military, Gen. Myat Kyaw, said before the ruling that if commanders are presented with evidence of war crimes, they will pursue them.

"We will take action in accordance with the military judicial framework if there is a war crime," he said. "What the Tatmadaw did was a just war. If individuals violated the law, we will take action by military court."

Earlier this week, a panel appointed by Myanmar's government found that war crimes had indeed taken place during the 2017 campaign. But the so-called Independent Commission of Enquiry said it had found no evidence of "genocidal intent" in the military's actions, which it said were in response to attacks by a rebel force, the Arakan Rohingya Salvation Army.



*Daw Aung San Suu Kyi defended Myanmar last month at the International Court of Justice at The Hague. Credit...Koen Van Weel/Agence France-Presse — Getty Images*

“War crimes, serious human rights violations, and violations of domestic law took place during the security operations,” the commission said in a summary of its report released Tuesday. It said there was evidence that the security forces were involved in several mass killings of civilians, which may have claimed the lives of as many as 900 people.

But it said it did not find credible statements to support the widely reported allegations of gang rape by the security forces. The panel called for further investigation and prosecution of human rights violations and war crimes.

Human rights advocates said the report was an improvement over previous government investigations, but that it fell far short of the panel’s responsibility to uncover the truth and hold the military accountable.

Ms. Aung San Suu Kyi, once a human rights icon who received [the Nobel Peace Prize](#), traveled to The Hague in December to speak on Myanmar’s behalf at the hearings — essentially, defending the same military that [kept her under house arrest for 15 years](#).

At the hearings, Ms. Aung San Suu Kyi heard gruesome accounts of summary executions, babies thrown to their deaths, [mass rapes](#) and whole villages burned to the ground. When it was her turn to speak, she did not directly address those accusations, but told the court, “Genocidal intent cannot be the only hypothesis.”



*Supporters of Ms. Aung San Suu Kyi in The Hague in December. Credit...Koen Van Weel/Agence France-Presse — Getty Images*

Throughout her argument, she avoided the term Rohingya, [a word that Myanmar rejects](#) because it implies the group's legitimacy as an ethnic minority within Myanmar, a mostly Buddhist country. Most people in the country call them Bengalis, suggesting that they are interlopers from Bangladesh.

On Thursday, hours before the court's ruling, The Financial Times published [an opinion article by Ms. Aung San Suu Kyi](#), in which she pointed to the commission's report this week as evidence that Myanmar was pursuing justice.

She also said Gambia's case against Myanmar was "precariously dependent on statements by refugees in camps in Bangladesh," who she said "may have provided inaccurate or exaggerated information."

Under Myanmar's military-drafted Constitution, the power of civilian leaders is sharply limited, and Ms. Aung San Suu Kyi has no control over the military and many other parts of the government. As she heads into elections at the end of this year, her dramatic court appearance at The Hague could help shore up support among voters and distract from her party's poor economic performance.

"The military who committed the crimes should thank her," said Ko Win Hlaing, a taxi driver who helped organize a rally to support Ms. Aung San Suu Kyi last month in the city of Mandalay.

"You might see the critics of Aung San Suu Kyi on Twitter because international communities are mostly on Twitter," he added. "But on Facebook, most people support her and I'm sure her party will win again in coming elections. I feel that she is the real mother of our country."

*Saw Nang contributed reporting from Mandalay, Myanmar, and Marlise Simons from Sydney, Australia.*