

Myanmar / Rakhine Commission: “Positive starting point but Government must address impunity” – UN expert

GENEVA (1 May 2013) – The United Nations Special Rapporteur on the human rights situation in Myanmar, Tomás Ojea Quintana, today welcomed some forward thinking recommendations from the Rakhine Investigation Commission report. However, he expressed concerns over the lack of recommendations to address impunity and ensure investigations into credible allegations of widespread and systematic human rights violations targeting the Muslim community in Rakhine State.

“The Investigation Commission’s report contains many worthwhile recommendations, which I encourage the Government of Myanmar to implement,” Mr. Ojea Quintana said after reviewing the recommendations of the 27-member Investigation Commission set up last year by the Myanmar President to look into the violence between communities in Rakhine State that took place in June, and then subsequently in October.

“There are important recommendations on addressing the dire humanitarian situation in the Muslim camps for internally displaced people (IDP), including overcrowding, access to clean water and sanitation, the risk of disease, food security and child malnutrition, as well as on improving access to education and livelihoods,” he said.

“However,” the Special Rapporteur said, “in implementing them, I urge the authorities, as a matter of urgency, to ease the harsh and disproportionate restrictions on the freedom of movement of Muslim populations in the IDP camps and also in Muslim residential areas, such as Aung Mingala in Sittwe and across northern Rakhine State, while also providing adequate security.” In his latest report* to the Human Rights Council, the expert noted that the Taung Paw camp in Myebon felt more like a prison than an IDP camp.

“These restrictions on freedom of movement are greatly exacerbating the humanitarian situation, restricting access to food, healthcare, livelihoods and education,” he said. “Now we are at the beginning of May, and the harsh restrictions for Muslim populations remain firmly in place.”

The Special Rapporteur praised the reports’ recommendations on building communication, trust and understanding between different religious and ethnic communities in Rakhine State, including through community and interfaith dialogues, and through the use of public service broadcasting.

“The recommendation to establish a Task Force composed of moderate leaders from both communities is just the kind of mechanism that is needed to ensure systematic dialogue between communities, which could play an essential role in rebuilding trust and finding solutions at the local level,” the expert said. “Dr. Tun Aung is one such leader who I hope to see released from Sittwe Prison soon and appointed to this Task Force.”

In noting the recommendation that communities should continue to be separated while emotions remain high, Mr. Ojea Quintana expressed concern that the current policy of segregation will become a permanent arrangement, and stressed the need for the Government to plan for integrated communities as homes are rebuilt and people are resettled.

He was also encouraged by the report’s recommendations to address the issue of statelessness in Rakhine State, in accordance with international norms. However, the expert stressed that this would involve amending the 1982 Citizenship Act to ensure that all persons in Myanmar have equal access to citizenship and are not discriminated against on grounds of ethnicity:

“I have always said that discrimination against the Rohingya Muslims in Rakhine State is one of the underlying causes of the violent conflict between communities there. The statelessness of the 800,000

Rohingya population underlies their marginalisation and makes them particularly vulnerable to discrimination and human rights violations,” he stressed.

The expert welcomed the recommendation that the border security force, Nasaka, be reformed and should refrain from infringing on the rights of the general public. He recalled his earlier recommendation that this border security force’s operations should be suspended to introduce fundamental reforms in view of the large number of allegations he has received throughout his mandate of human rights violations committed by Nasaka.

Mr. Ojea Quintana was also encouraged that the recommendations highlighted the importance of the police, military and border security force (Nasaka) carrying out their duties in accordance with the law, particularly in view of the report’s recommendation that their presence in Rakhine State should be doubled. However, the expert remains concerned about how accountability will be ensured in practice, in view of the impunity for the human rights violations that continue to occur in Rakhine State.

“I have received credible allegations that widespread and systematic human rights violations by state officials targeted against the Rohingya and wider Muslim populations have occurred and are continuing in Rakhine State. These involve the most serious of allegations, including extrajudicial killings, rape and sexual violence, arbitrary detention and torture and ill-treatment in detention, deaths in detention, and denial of due process and fair trial rights,” said the Special Rapporteur.

“The Government has an obligation under international law to investigate these allegations effectively, promptly, thoroughly and impartially and, where appropriate, to take action against those responsible, in accordance with domestic and international law,” he said. “This is an obligation that the Government cannot renege on.”

In addition to ensuring justice for the victims and their families, the Special Rapporteur stressed that investigating these allegations and holding to account those responsible will also be an integral part of restoring relations of trust and harmony between different ethnic and religious communities. He added that the recommended Truth-Finding Committee should play a role in providing the truth for victims and their families about the violations that have occurred and an understanding about why they occurred, but stressed that truth commissions are not substitutes for judicial accountability.

These are the Special Rapporteur’s observations based on the translation of the recommendations of the Rakhine Investigation Commission’s report.

(*) Report available at:

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.58_AU_V.pdf

Myanmar Government response to report available at:

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.58.Add.1_AV.pdf

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Mr. Tomás Ojea Quintana (Argentina) was appointed by the United Nations Human Rights Council in May 2008. As Special Rapporteur, he is independent from any government or organization and serves in his individual capacity. Learn more, log on to:

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For more information and media requests, please contact Daniel Collinge (+41 789 113 398 / dcollinge@ohchr.org) or write to sr-myanmar@ohchr.org

For media inquiries related to other UN independent experts:

Xabier Celaya, UN Human Rights – Media Unit (+ 41 22 917 9383 / xcelaya@ohchr.org)

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