



## **The Humanitarian Crisis Beneath the Conflicts: Report detailing dire humanitarian needs in Burma's Rakhine and Kachin States**

14<sup>th</sup> Mar 2017

### **Executive Summary:**

- Conflict in Burma's Rakhine and Kachin States have internally displaced nearly 140,000 and 100,000 respectively
- The UN's World Food Program (WFP) in Burma is currently running with a funding gap of USD \$37 million
- The UN's Office for Coordination for Humanitarian Affairs (UNOCHA) is currently facing a funding gap of USD \$138.1 million required for their Humanitarian Response Plan for Burma
- In 2015 the World Health Organization (WHO) found children in Maungdaw had prevalence of 45.7% of global chronic malnutrition with 21% prevalence of severe chronic malnutrition
- In November 2016 the UN estimated that 70,000 people were in immediate need of food and that 30-50% of children with severe acute malnutrition in the area were at imminent risk of dying
- The BHRN working in Rakhine State found unregistered IDPs (internally displaced persons) suffering tremendous humanitarian needs throughout the state
- In Kyauktaw the BHRN received current information on aid distributed to 10 Rohingya Villages. Most contained villagers not receiving aid despite strong needs, including some villages where the vast majority were without aid
- IDPs from Rathetaung Township complained of similar cuts and individuals being denied food rations. In some cases villagers said WFP told them food rations would be reinstated, but this has not yet happened
- In Pauk Taw IDPs reported significant populations being denied food rations because they did not qualify as they were from areas which were not destroyed in 2012 or they fled to Bangladesh at the time of the violence and are now not registered
- Villagers frequently complained that due to restrictions on movement they were unable to travel to find work, fish, or search for food. With these restrictions in place they found themselves

dependent on aid, even if they had been relocated to new housing units or not had their villages destroyed. Those denied access to food rations were found to be at significant risk

- In The KIO controlled areas of Kachin State over 46,000 IDPs are not receiving any regular aid
- Among them are more than 4,000 people over the age of 60 and 5,000 children under the age of five. Among the children without aid, over 2,000 are under the age of two years old
- Restrictions by the Burmese Military has made delivery of aid virtually impossible on top of a significant lack of funding by INGOs
- The evidence collected by the Burma Human Rights Network (BHRN) and their partners in Kachin and Rakhine States supports clear cases of violations of international human rights law by the Burmese Government and Armed Forces
- The evidence collected on Kachin State supports a prima facie case against the Burma State for War Crimes, and specifically Grave Breaches of Geneva Conventions, including repeated breaches of the principle of distinction and prevention/obstruction of the delivery of humanitarian assistance
- The evidence collected on Rakhine State supports a prima facie case against the Burma State for Crimes Against Humanity, for systematic and/or widespread attacks against civilians, including restriction of provision of humanitarian assistance to internally displaced civilians

### **Introduction:**

The Burma Human Rights Network (BHRN) has been monitoring the humanitarian needs and shortages within Rakhine State and the Kachin region with great concern as conflicts in both regions have escalated over the past year. The BHRN has coordinated with ground networks, civil society groups, NGOs and aid workers to accumulate information on the humanitarian needs within both regions and to identify causes of major gaps in aid where it remains needed. The results show widespread and dire needs in both regions worsened by severe restrictions by the Burmese Military, indifference or inaction from the Burmese Government and tragically inadequate funding of humanitarian agencies. The BHRN sought to specifically highlight the numbers of children and elderly living in these affected areas who will be most vulnerable to malnutrition, disease and sickness related to shortages in humanitarian aid.

### **Rakhine State:**

#### **Background:**

In 2012 state-wide riots in Burma's Rakhine State displaced over 140,000 civilians; most of them were ethnic Rohingya Muslims as well as smaller numbers of ethnic Rakhine Buddhists. The Rohingya were already facing severe travel restrictions and as a result of the riots and their placement in camps for displaced persons these restrictions were intensified for the entire population. **The humanitarian crisis following the violence has proven to be far more deadly to the Muslim population than the riots themselves, with shortages of food and medicine reported in several areas of the state over the**

**past five years.** The Burma and Rakhine State Governments have consistently limited the ways which aid can be delivered to those in need:

- Requiring organizations to be approved for registration by the State Government;
- Rejecting plans by the Turkish Government for new housing for Buddhist and Muslim communities after an outcry against aid to the Muslim communities.
- Forcing Medecins Sans Frontieres (MSF) to leave the state in February 2014 after similar complaints claiming that they had favoured the Muslim community. During the following months as many as 150 were reported to have died by the New York Times as a result of the expulsion of MSF.
- Implementing an extremely inadequate healthcare system, where a small team of State employed doctors and nurses visited IDPs once a week, with long lines reportedly taking hours and little help offered when finally seen.
- In March 2014 the offices of Malteser, another medical NGO, were attacked by a mob after claims that staff had disrespected a Buddhist flag. As a result nearly all aid was pulled from the state as NGOs were forced to leave.
- Between July and August 2014 NGOs were slowly allowed to return to the state and resume aid distribution and medical care.

Since 2012, aid, which has been distributed, has been prioritized between groups of displaced persons who are recognized IDPs and those who are referred to as ‘Unregistered IDPs’.

- Typically unregistered IDPs did not have their homes burnt down but fled from threats of violence, or they live in areas, which were not affected by the violence, but IDP camps were built around their villages, effectively absorbing them.
- Often time villagers who are unable to gather food or to find work due to restrictions on movement move to official IDP camps following legitimate concerns of starvation.
- Unregistered IDPs are given lower priority and are typically assigned to smaller NGOs registered in the State who are unable to adequately accommodate them.
- This practice has taken place since 2012 and continues today. Prioritization among unregistered IDPS is sometimes said to focus on ‘The poorest of the poor,’ but in such a dire situation this term is almost arbitrary as the vast majority of the population are in serious need.

### **Recent Escalation:**

For five years Rakhine State remained in a state of uneasy calm, with only isolated incidents of violence between Muslim and Buddhist communities occurring every few months, but analysts worried that could change at any moment. On October 9<sup>th</sup> 2016 the situation on the ground rapidly deteriorated when three border posts were overrun by as many as 500 Rohingya men and boys. Nine police officers were killed in the incident. The military responded with an especially violent campaign that was most active between October and December of 2016.

While accusations of Crimes Against Humanity by Government forces have been widely discussed even by the UN’s Special Rapporteur, the humanitarian situation has been severely understated and

neglected. Since the attacks in October at least 65,000 Rohingya have fled to Bangladesh and about 20,000 have been displaced internally. **Notably, BHRN has observed security forces adopting a pattern of destroying food and aid along with other property throughout the period of conflict.**

At the same time, there is reasonable fear that the combination of widespread humanitarian needs, unaddressed human rights violations by Burma security forces and an emerging insurgency among the Rohingya population could in time create an environment in which extremists could infiltrate, yield influence and ultimately operate. Currently the insurgency, calling themselves Harakat al Yaqeen, have presented themselves as having secular aspirations, have denounced terrorism and issued statements saying they will not harm or target Buddhist civilians or religious buildings. At the same time the BHRN has received consistent reports of competing figures, who may create or may have already created splinter groups which have more overtly nefarious intentions. Transnational extremist groups operating elsewhere in the world have consistently taken advantage of humanitarian disasters and food insecurity as a recruitment tool to recruit people who share no ideological similarities. In a worst case scenario the Rohingya may be vulnerable to infiltration by extremists not because of their culture or religion specifically, but because of the dire nature of their circumstances and commonly held feelings among the population that they have been abandoned by the world.

### **Current Humanitarian Crisis:**

The Burma Human Rights Network has been able to monitor the aid situation in several locations to examine the needs of residents and success with which they are met. Through local activists we have obtained data from late 2016 on the number of households in several townships and were then able to compare the number of households receiving aid to those in need. Between underfunded programs in Rakhine State and often-callous standards of who deserves of aid the gap between those in need and those who receive aid is often vast.

The UN's World Food Program currently maintains a USD\$37 million funding gap for 2017. The shortages in funds are apparent across Rakhine State where cuts in food rations have been reported, along with many on the ground having never received aid and often being told that the nature of their displacement does not fit the requirements for those provided food aid.

In 2015, long before the recent increase in violence and displacement, the World Health Organization found children in Maungdaw had prevalence of 45.7% of global chronic malnutrition with 21% prevalence of severe chronic malnutrition. Since the fighting in Maungdaw began in October access to these families has become extremely limited with aid groups struggling to work around restricted areas and overwhelming numbers of newly displaced persons. In November the UN estimated that 70,000 people were in immediate need of food and that 30-50% of children with severe acute malnutrition in the area were at imminent risk of dying.

### **Kyauktaw:**

In Kyauktaw Township there are 326 villages, 42 of them are Muslim villages. In 2012 ten villagers<sup>1</sup> were destroyed in the riots. Villagers from these ten villages were then officially registered as IDPs and remained as registered IDPs between 2012 and 2014. In 2014 they were given new housing as part of a rebuilding effort in coordination with the Turkish Government. These villages were then designated as “Recovered Villages.” The new designation failed to necessarily account for new restrictions these villagers faced after the riots, including government-imposed restrictions on movement to work or gather food, and the threats of violence that also remained against them in a generally tense area. Kyauktaw has also been an area of confrontation between ethnic Rakhine militias since 2015 and the Burmese Government, which has had an often overlooked consequence of further demonization of local Muslims who’ve been accused of assisting the Burmese Military and working as informants for them.

After the UN’s World Food Program designated the villages as recovered aid and food rations were then only distributed to “the poorest of the poor,” families where the households were led by women or children and households with disabled family members. Included in food rations distributed by the WFP are rice, cooking oil, pulses and salt. Updates received have stated that villages in Kyauktaw will no longer receive cooking oil after February 2017. Each eligible person will receive 13.5 Kilograms of rice at distribution.

Name of Village	Resident Population	Receiving Aid	Narrative
Gup Pi Taung	908	363	<ul style="list-style-type: none"><li>Majority of the people in the village are casual labourers but are unable to leave the village in search for work due to the security situation and attacks in Maungdaw.</li><li>Access to fishing is difficult due to threats, attacks and several reported murders of fishermen since 2012 that have usually been attributed to communal violence.</li><li>Recently fishermen have come under increased scrutiny by the Security Forces. BHRN has reported previously of fishermen being attacked, arrested and threatened while trying to feed their families or earn a living to support them.</li></ul>
Aung Yi Bar	1700	913 (as of march 3 <sup>rd</sup> )	<ul style="list-style-type: none"><li>Locals informed BHRN that they received food rations on 6 February.</li><li>Majority of those living in the village working as labourers; villagers complained of extreme difficulties finding work due to restrictions on movement and thus their dependence on aid is significantly higher, despite widespread efforts to seek</li></ul>

<sup>1</sup> Shwe Hlaing Ku Lar, In Bar Yi, Gu Pin Htauk (Kular), Shwe Nyha, Ah Pauk Wa, Let Saung Kauk, San Kar Taung, Nay Pu Khan, Kular Taung Bwe and Ah Le Kyun.

			<p>employment.</p> <ul style="list-style-type: none"> <li>Fishermen in the village also complained of dangers they faced while they worked, most specifically the increase of attacks and threats they have faced since the clashes between Rohingya militants and security forces in October, even though they are significantly far away from the areas the fighting took place and are completely disconnected from it.</li> </ul>
Ywa Nyha	885	400	<ul style="list-style-type: none"> <li>Villagers complained that the restrictions on movement had prevented them from finding work or searching for food.</li> <li>A villager described to BHRN, on 5 February, how the community had to share in order to survive, <i>“We have to divide food among all the people in the village, we have to live with understanding.”</i></li> </ul>
Nay Pu Khan	546	546	<ul style="list-style-type: none"> <li>All villagers living there were reported to receive rations, according to a villager named U Aye Yaw on February 4<sup>th</sup>.</li> </ul>
Shwe Hlaing	1,073	42	<ul style="list-style-type: none"> <li>A local resident told the BHRN, <i>“We received food rations last Sunday (5 February) and it was distributed among all the people in the village. WFP said the delivery of food was delayed as they were doing annual accounting. They said no delay for February.”</i></li> <li>Locals said that due to crackdowns after the October attacks they are too afraid to travel on roads any more and have to travel by small boats.</li> </ul>
Sakar Taung	658	350	<ul style="list-style-type: none"> <li>A villager named U Ba reported he had received his rations on February 7<sup>th</sup> and provided numbers of others in the village doing the same.</li> </ul>
Taung Bwe	1305	305	<ul style="list-style-type: none"> <li><i>“Today I saw food distribution, but they distributed only to poor and widows for the rest the food supply have not arrived in the village, but among those who have not receive food, they have supply so not a big problem for them. Those who face food shortage has work such as cutting firewood, fishing and other causal works to earn money for food,”</i> said a local resident named U Kayin.</li> </ul>
Ah Lei Kyun	4050	42	<ul style="list-style-type: none"> <li>-</li> </ul>
Let Saut Kaung	2568	330	<ul style="list-style-type: none"> <li><i>“Just today we received food rations. The villagers were told to distribute food to all the villagers; if that proposal is agreed food will be distributed to all in the village. There is a seven member committee formed to discuss on this matter,”</i> said a head of the village administration on 6 February.</li> </ul>

Muslims in the Kyauktaw region have said they are not able to travel even to the town centre and are prohibited from travelling to nearby villages following the attacks in October. They have said this has significantly worsened their current condition and overall food shortages within the communities.

**Rathetaung Township:**

Rathetaung Township, while not believed to be involved in the violence between October and December in Northern Rakhine State, was still considered part of an active military zone by Burma Security Forces and occupied as such. The township drew the greatest international attention recently when a video emerged of a Burmese police officer in Ko Tan Kauk village filming himself while several young men were gathered outside, sat in rows, and then beaten and kicked by security forces. The Burmese Army has alleged that militants have been active in the township, but has failed to provide any convincing evidence to confirm the allegation.

The BHRN was able to gather information on humanitarian aid available in the township, which has faced media restrictions and harsher conditions than most other parts of the state. Only a few villagers from the IDP camps in Ah Htet Nan Yar, Ah Naut Pyin and Nyaun Pin Gyi were said to be receiving any food rations. Villagers said there was no nearby Muslim village from which they could ask for help or food and that they were prohibited from visiting nearby Rakhine villages because of the fighting in Maungdaw. As a result the villagers said that already difficult circumstances have been made considerably worse for them in regards to food security.

Name of Village	Resident Population	Receiving Aid	Narrative
Ah Htet Nanyar	1380 (300 children under the age of five and about 100 villagers over the age of 60)	1230 (300 young children said to not be receiving aid specific for their age group)	<ul style="list-style-type: none"> <li>● <i>“More than 158 people have not received food rations; we were told that the cut was due to budget constraints. I do not know on which criteria they decided to cut food rations. About 300 children who are 2 to 3 years old they also have not receive food rations,” said an IDP named U Ohn Shwe. He said WFP officials assured that they would restore food rations by January, as of mid -February the rations have not been restored. The IDPs in this village were originally in quickly build shelters in 2012, but have been moved to small units referred to as “detached</i></li> </ul>

			<p><i>houses.”</i></p> <ul style="list-style-type: none"> <li>● Htet Nanyar has no school or medical clinic. Locals say they have to treat minor sickness with what limited medicine they have available and for major problems they have to travel to Taing Village in Maungdaw Township to visit the AZG (MSF Holland).</li> </ul>
Ah Naut Pyin IDP Camp	2707 (400 children under the age of five and 60 villagers considered elderly)	2049	<ul style="list-style-type: none"> <li>● Current food distribution was reduced from the amount provided in December that distributed to 2309 villagers. The villagers are only able to see a doctor through the agency IRC(International Rescue Committee) when they visit once a month.</li> <li>● An IDP named U Maung Soe said <i>“We are not allowed to go anywhere. If the doctors do not come we have no other choice but to face death, if we have disease. We are unable to do job, not allowed to go out of the village.”</i></li> </ul>
Nyaung Bin Gyi	1781	1390	<ul style="list-style-type: none"> <li>● Food rations for the village were reported as cut off in June of 2016 but later restored in September for 1390 people. <i>“400 people are not getting food rations; we have to distribute food among all villagers. That is why we are facing immense problems here,”</i> an IDP named U Zaw Lwin said.</li> </ul>

### **Pauk Taw**

Pauk Taw is a Township south of the State’s capital, Sittwe, and was the scene of much of the violence during the riots in 2012. Villagers in Pauk Taw are more isolated than many places because they are far more surrounded by water and roads, which they are not authorized to use. As a result villagers frequently have to travel by boat, and have complained of being attacked when they do so. Large numbers of IDPs have fled from Pauk Taw to the IDP camps in rural Sittwe after fears of communal violence and an inability to work or obtain food without risk to their safety.



In Nghat Chaung 1 IDP camp 300 villagers are receiving no aid. 19 families inside the camp had moved there from Myenbon Township in 2013. Locals said that in 2014 WFP told them that they would supply food to them, but they said it has not arrived. They said when they asked why the food was not sent for them WFP could not provide a reason. The villagers said that there were also 66 other people not receiving any rations in the Nghat Chaung Camp 1 who had fled to Bangladesh in 2012 to escape the violence, but returned once a relative calm was restored. Because of circumstances it seems these villagers are considered unregistered IDPs and have not been given any priority. *“They are not on the list. Also, 115 people who moved to Nghat Chaung from Min Bya and Mrauk U after their houses were burnt are also not receiving their food rations. They are surviving by doing casual works as collecting firewood,”* said Ko Saw Myint, an IDP in the camp.

## **Kachin Region**

### **Background:**

Fighting in the Kachin Region can be traced back to Burma’s independence era, but for the purposes of this report we focus on the conflict as it has evolved since the resumption of fighting in June of 2011 when the Burmese army broke a decades long ceasefire with the Kachin Independence Army (KIA). Conflict quickly spread throughout Kachin State and parts of neighbouring Shan State. Several attempts to negotiate long-term ceasefires have since been attempted and failed, typically after increased attacks by the Burmese Military. The conflict has displaced nearly 150,000 people inside of Burma and along the Chinese border. Difficulty gaining access to many IDPs within territory controlled by the Kachin Independence Organization (KIO) is exacerbating complications surrounding humanitarian aid delivery.

### **Escalation:**

The past year has seen an especially dramatic increase in conflict in Burma, both in the Kachin region as well as in other regions ethnic armed groups remain active, alongside peace agreements being negotiated by the Burmese and several of the ethnic armed groups. The escalation has had the devastating impact of repeatedly displacing the same groups of IDPs, forcing them to start over every time, and severely limiting regular access to food, aid, schools and medical treatment. Fighting in the Kachin region involves some of the most devastating weapons used in the country’s internal conflict, including the deployment of helicopters, fighter jets, heavy artillery and land mines.

According to recent statements from the Joint Strategy Team (JST), a body composed of nine national humanitarian organizations delivering aid in the region, *“As of February 2017, multiple peace process negotiations are yet to bring any concrete results for Internally Displaced Persons (IDPs) to return home safely. Instead, despite the Nationwide Ceasefire Agreement process and the 21<sup>st</sup> Century Panglong Peace Conference, the Myanmar (Burma) Armed Forces (Tatmadaw) is continuing and expanding its military offensives and violations of human rights across Kachin and Northern Shan States. Intensification of military operations, the use of air strikes and heavy artillery in close proximity*

*to IDPs camps and populated area has increased civilian casualties (being killed, injured), displaced and intensified fear and anxiety for IDPs and civilians population. Meanwhile, civilian are detained and arrested in conflict area.”*

The JST described increased fighting in Gidon and Lai Hpwng outposts where they said mortar shells also landed near two IDP camps causing families to flee. The JST recorded 4,000 IDPs fleeing to China on January 11<sup>th</sup> who were later pushed back into Burma by Chinese security forces.

### **Current Humanitarian Situation:**

The BHRN spoke with aid workers, civil society groups and NGOs to try to gather a clearer picture of the current humanitarian situation in Kachin State. Overwhelmingly, the worst conditions are being felt by those who remain inside the areas controlled by the KIO due to the remote location and Government efforts to block aid from entering these areas.

Khon Ja of the Kachin Women’s Association detailed a dire situation where 38 camps, villages and boarding schools in territories controlled by the KIO are without direct aid. According to data from the JST over 46,000 IDPs are in these areas and are not receiving any regular aid. Among them are more than 4,000 people over the age of 60 and 5,000 children under the age of five. Among the children without aid over 2,000 are under the age of two years old. Khon Ja said of a recent visit to the affected areas, *“The time I visited last November, people used pumpkin leaves to mix with rice. They chopped the pumpkin leaves. Put them in the rice pot before it is done. At first I thought they were preparing it for the piglets, but the lady put it in plates and served [it] to her children. I cried.”* She said in the rainy season villagers had better access to food that grows locally, but are much more vulnerable to disease from shoddy housing in the camps and the prevalence of insects, including mosquitoes.

While the remote location of these IDPs is an obstacle, the greatest difficulty seems to come directly from a lack of funding. UNOCHA is currently experiencing a USD\$138.1 million funding gap in their Humanitarian Response Plan for 2017. Only USD\$12.2 million of the required USD\$150.3 million is available to support the 525,000 people the agency recognizes as being in need of humanitarian aid in the country. According to Khon Ja they were only able to reach 52% of the required budget in 2016. At the same time organizations within the country are trying to raise funds and distribute aid but are overwhelmed by the enormous numbers of those in need of humanitarian aid.

In regard to medicine these regions are especially vulnerable because of a lack of funding and the fact that territory is extremely remote. Local NGOs and unofficial organizations work to fill this gap regarding a lack of funds as well as the medical expertise several cases require. In the cases of sick or afflicted children, often times the only option is to rally community support to send children and their caretakers to cities with major hospitals. Children with serious and debilitating tumours, cleft palates and lips, physical deformities and several other conditions have managed to receive care through community support, but an unknown number of children have undoubtedly fallen through the cracks

and been left to suffer due to inadequate access to healthcare and humanitarian aid. Those suffering serious diseases or sickness will be much less likely to receive the care they need in time due to logistic and financial restrictions. Those living with TB or HIV/AIDS face helpless circumstances in the region. Khon Ja, speaking to immediate needs, asked that all efforts be made to ensure the International Committee of the Red Cross (ICRC) be allowed to return to KIO controlled areas.

**A serious problem facing IDPs in KIO controlled areas is the blockage of aid by the Burmese Military.** Speaking to BHRN, Major Zau Raw Lama, head of the IDPs and Refugees Relief Committee (IRRC), said that the “*Burmese Government blocked humanitarian assistance since May of 2016. In May 2016 WFP transferred food to IDPs near Laiza and Border Post Camp (KIO controlled area-KCA), but the Burmese Army blocked them half way and sent them back. Again the same organisation transported food to IDPs in the camps of Man Win Gyi but the Burmese Army blocked them on the way. No relief material is allowed passed to the KIO Controlled Area (KCA).*” What precious little aid was meant to be transported to those in the direst need, was ultimately sent back. As the JST described, “*Recent Burmese Government and Burmese Armed Forces (Tatmadaw) actions preventing the delivery of humanitarian assistance are breaching international humanitarian law and violating the rights of IDPs.*” The JST further detailed how the Burmese Army regularly prevents aid from being transported into these areas and how they have particularly affected the already dire circumstances of those in Putao, Tanai, Sumpra, Bum Area, Man Win Gyi IDP camp and several areas within northern Shan State.

### **Legal opinion**

Evidence collected by the BHRN was commented on by Dr. Thomas MacManus of Queen Mary University of London’s School of Law:

The evidence collected by the Burmese Human Rights Network (BHRN) and their partners in Kachin and Rakhine States supports a prima facie case of violations of international criminal law by the Burma Government and Armed Forces – including Grave Breaches of the Geneva Conventions (a War Crime under Article 8 of Rome Statute of the International Criminal Court (ICC)): “... as part of a plan or policy or as part of a large-scale commission of such crimes.”); Crimes Against Humanity (Article 7 of Rome Statute of the International Criminal Court): “... widespread or systematic attack directed against any civilian population ...”); and Genocide (Article 6 of Rome Statute of the International Criminal Court). The evidence also supports claims of Gross Violations of International Human Rights Law by the Burma Government and Armed Forces.

### **Kachin**

The evidence collected on Kachin State supports a prima facie case against the Burma State for War Crimes, and specifically Grave Breaches of Geneva Conventions, including repeated breaches of the principle of distinction and prevention/obstruction of the delivery of humanitarian assistance; and Crimes Against Humanity, for systematic and/or widespread attacks against civilians, including: the targeting of civilians, rape, the use of sexual violence as a weapon of war, arbitrary detention, slavery,

forced labour, restriction of provision of humanitarian assistance (including the provision of healthcare and food to internally displaced civilians).

### ***Rohingya***

The evidence collected on Rakhine State supports a prima facie case against the Burma State for Crimes Against Humanity, for systematic and/or widespread attacks against civilians, including: the targeting of civilians, rape, the use of sexual violence as a weapon of war, arbitrary detention, forced labor, restriction of provision of humanitarian assistance including to internally displaced civilians. The evidence presented would also support a charge of Genocide as the Burma State is killing and causing bodily and mental harm with an apparent intent to destroy, in whole or in part, the Rohingya Ethnic Group. Furthermore, the evidence supports a claim that the Burma State is deliberately inflicting on the Rohingya conditions of life calculated to bring about the group's physical destruction (in whole or in part) through starvation, forced labour, inadequate medical care and constant physical and psychological assault.

The individual criminal liability for the above should be determined by criminal investigation. These erga omnes crimes have no statute of limitation and attract universal jurisdiction.

The evidence collected by the Burmese Human Rights Network (BHRN) and their partners in Kachin and Rakhine States also supports clear cases of violations of international human rights law by the Burma Government and Armed Forces, said Dr Thomas McManu, School of Law, Queen Mary University.

### **Conclusion:**

In the regions it is most active, the Burmese military has practiced a particularly ruthless campaign where civilians suffer most. Depriving food and aid to civilian populations is an old strategy utilized by the Military, sometimes to pressure communities to turn against insurgency and other times seemingly as a form of collective punishment. In Burma conflict is often centred on autonomy and power, with ethnic and religious minorities reacting to what they believe are years of oppression if not direct attacks by security forces. In many cases the Military is overtly seeking to control land, resources and trade while the central government has failed to address most if not all grievances in ethnic regions. In this way the conflicts in Rakhine State and Kachin State bear similar fruit; a largely disenfranchised population who believe the Military is an existential threat and the Government is either unconcerned or outright malicious towards them. Where the Government and ruling NLD party may be acting for degrees of self-preservation, weighing the risks of opposing the military or addressing international pressure, will remain irrelevant to populations suffering from their inaction. The conflicts and their continuation can be still be resolved by addressing their root causes.

Further, evidence collected by the BHRN as analysed by Dr. Thomas MacManus of Queen Mary University of London's School of Law, supports clear cases of a widespread or systematic attack

directed against the civilian population, violations of international human rights law by the Burmese Government and Armed Forces. The individual criminal liability for the above should be determined by criminal investigation and The BHRN continues to call for an independent international commission of inquiry.

Until the conflict is resolved unfettered humanitarian access must be provided in order that aid may reach all areas where it is needed with no interference from parties to conflict. As the government continues to abrogate its responsibilities to provide protection and assistance to its people the International community needs to address funding gaps for the country. Member States of the Association of South East Asian Nations need to work more coherently to assist one of their members to end the scourge of war within the region through both more active diplomacy and additional provision of humanitarian assistance to the crisis affected people in the country. International organizations need to redouble their efforts to assist the Government of Burma to emerge from this dark time in its history.

While the efforts to find a way forward which addresses the long-festering triggers of unrest in the country, the shortages of food and aid to children in Kachin and Rakhine State urgently need to become top priorities for the Government of Burma, humanitarian organizations and the international community. Where the Burmese Military remains accused of intentionally trying to harm communities through displacement and destruction of food, the international community can not allow itself to be a passive participant in these denials of basic human rights, especially in regards to children. In this regard BHRN notes the findings included in the latest report the Special Rapporteur on the situation of human rights in Burma and trusts that it will lead to resolute action by the UN's Human Rights Council.

### **Media Enquiries**

Members of The Burma Human Rights Network (BHRN) are available for comment and interview. Images also available on request.

Please contact:

Kyaw Win

Executive Director of the Burma Human Rights Network (BHRN)

E: [kyawwin78@gmail.com](mailto:kyawwin78@gmail.com)

T: +44(0) 740 345 2378