

22 January 2018

Your Excellencies,

Ahead of the 22 January 2018 Foreign Affairs Council meeting, we, the undersigned, write to you to request robust action from the European Union (EU) and its Member States to support the Rohingya and other minorities and hold the Myanmar Army and the Government of Myanmar to account.

The heinous attacks by Myanmar's military against the Rohingya that began in August 2017 are well known. Military forces, in concert with vigilante groups, have systematically targeted Rohingya villages, indiscriminately killed and tortured civilians, raped women and girls, and burnt houses to the ground. The mass violence has forced more than 650,000 men, women, elderly and children to flee to Bangladesh, where they now languish in camps.

The Government of Myanmar has taken some limited steps to respond to the large-scale displacement. With Bangladesh, it has agreed on a repatriation process to return refugees to Myanmar and State Counsellor Aung San Suu Kyi has also announced the creation of the Union Enterprise for Humanitarian Assistance, Resettlement, and Development in Rakhine.

However, Myanmar's authorities actively block efforts to uncover the truth about the events in Rakhine State. While we note the recent admission by the military regarding extrajudicial killings near Inn Din village, without full access for media, independent investigators and aid agencies in Rakhine State, which remains prohibited, the full picture of the atrocities remains unknown. The government rejects access to the country for the independent, international Fact-Finding Mission. In December 2017, it banned access for the UN Special Rapporteur on the situation of human rights in Myanmar, Ms Yanghee Lee. Despite credible reports suggesting that crimes against humanity have been committed, an internal investigation presented in November 2017 exonerated the military. Recently, two Reuter's journalists were charged under the Official Secrets Act in connection with their efforts to cover the crisis in Rakhine State.

The authorities contribute to a discriminatory environment for the Rohingya and other Muslim communities. Government figures and state media frequently discuss Muslims in discriminatory and derogatory terms that feed inter-communal hatred. The situation in Rakhine State remains tense amid this atmosphere. The Rohingya and other Muslim communities face harassment and violence by the security forces and Rakhine nationalist groups. Since August 2017, these communities have faced intensified restrictions on their freedom of movement and access to education, food, healthcare, and livelihoods. A nightly curfew prevents movement even in emergencies.

National Verification Cards are also problematic. The cards, which the government pressures people to accept, offensively identify Rohingya as 'Bengali'. They are thus regarded as illegal immigrants from Bangladesh. Those who do not accept the cards cannot move between townships, limiting their ability to work and purchase essential goods. Meanwhile, those who do accept the cards are prohibited from accessing social benefits, such as institutions of higher education and the best hospitals. This situation does not inspire confidence that the government will stop the persecution of the Rohingya and other Muslims. These conditions demonstrate that it is not yet safe for refugees to return.

Both the military and the Government of Myanmar's efforts to prevent investigations into the atrocities that have occurred in Rakhine State, paired with a tense security situation and restrictions on basic rights, should be of great concern to the EU. The government has not respected the Foreign Affairs Council's conclusions from 16 October 2017 or the Security Council's Presidential Statement from 6 November 2017. Nor has it implemented recent UN resolutions on Myanmar. Given this negative trajectory, we call on the Member States to take the following steps:

1. Officially support the establishment of a UN-mandated global arms embargo including ending the supply of any equipment to the Myanmar military;
2. End all military-to-military training and cooperation programmes and ban investment and business dealings with Myanmar military-owned companies;
3. Impose a visa ban on members of the Myanmar military entering the EU;
4. Pursue options for the application of universal jurisdiction relating to violations of international law in Myanmar including supporting a referral of the situation to the International Criminal Court;
5. Call on the Government of Myanmar to fully cooperate with the independent, international Fact-Finding mission and the Special Rapporteur on Myanmar;
6. Call on the Government of Myanmar to cease pressure on communities to accept National Verification Cards and to identify a more appropriate path to legal rights and citizenship for the Rohingya and other Muslim communities;
7. Continue to demand complete humanitarian access to Rakhine State and intensify efforts to support the humanitarian needs of the Rohingya in Rakhine State and Bangladesh;
8. Call for the postponement of refugee returns until conditions in Rakhine State are safe. When conditions are safe, the EU should closely monitor the process to ensure that returns are truly voluntary and that refugees are returned to their communities under safe and dignified conditions;
9. Demand full freedom of the press in Myanmar, media access to Rakhine State, and the release of Reuter's journalists Wa Lone and Kyaw Soe Oo as well as other political prisoners.

The violence against the Rohingya is not happening in a vacuum. The Myanmar military has committed atrocities against ethnic and religious minorities for decades with impunity. The international community must stand for the rights of the Rohingya community. In tandem, we ask that attention and support also be directed to victims throughout the country, such as those in northern Shan and Kachin states.

The EU and its Member States should demonstrate strong leadership in response to the violence and discrimination against the Rohingya and other ethnic minorities. The EU significantly invests in Myanmar's democratisation. It must ensure that this investment is used to build sound institutions that support the rule of law, support the right to redress for the countless victims of violence, and embrace a pluralistic nation.

Please accept, Excellencies, the assurance of our highest consideration.

Signed by:

1. Actions Birmanie
2. ALTSEAN-Burma
3. ASEAN Disability Forum
4. Aliansi Jurnalis Independen

5. Asia Pacific Refugee Rights Network
6. ASEAN SOGIE Caucus
7. Association Suisse Birmanie
8. Burma Action Ireland
9. Burma Campaign UK
10. Burma Human Rights Network
11. Burmese Muslim Association
12. Burmese Rohingya Organisation UK
13. Christian Solidarity Worldwide
14. Free Burma Campaign (South Africa)
15. Asian Forum for Human Rights and Development (FORUM-ASIA)
16. GZO Peace Institute
17. Info Birmanie
18. International Campaign for the Rohingya
19. KontraS (*Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan*)
20. People's Empowerment Foundation, Thailand
21. Progressive Voice
22. South Asia Forum for Human Rights
23. Swedish Burma Committee
24. Swedish Rohingya Association
25. Society for Threatened Peoples – Germany
26. Women Peace Network - Arakan