

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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MYANMAR: MILITARY AUTHORITIES EXACERBATE THE SUFFERING CAUSED BY CYCLONE MOCHA

On 14 May 2023, Cyclone Mocha slammed into western Myanmar and hit other parts of Myanmar and Bangladesh with wind speeds of up to 250 kilometres per hour – making it one of the strongest cyclones to ever make landfall in Myanmar. Cyclone Mocha destroyed homes and infrastructure in affected regions, most severely in the Rakhine State townships of Rathedaung and in Sittwe. While the death toll is difficult to verify independently due to lack of access, at least one hundred Rohingya people living in internment camps in Sittwe were said to be killed by the cyclone, with the number likely to be much higher.¹ Many were also injured.²

According to the United Nations Office for the Coordination of Humanitarian Affairs' (UNOCHA) situation report, almost all houses in Sittwe and Rathedaung towns were destroyed; an estimated 85% of the internment camps are thought to have been destroyed across Rakhine State; an estimated 150 villages and wards across 20 townships were impacted in Chin State and in Sagaing and Magway Regions; and over 300 community learning centres were partially or totally damaged.³ The extensive destruction caused by the cyclone disproportionately affected marginalized communities – the majority being Rohingya people forced to live in Sittwe's internment camps since 2012, as well as other internally displaced persons (IDPs) and vulnerable communities affected by the armed conflicts in Chin, Sagaing and Magway.

On 13 May, a day before the cyclone, the military-controlled newspaper Global New Light of Myanmar reported that the military authorities carried out an evacuation of people living in Taungup, Myebon, Kyaukphyu, Rathedaung and Pauktaw townships in Rakhine State to temporary sites.⁴ It also mentioned that the military authorities visited IDP camps in Sittwe township and “discussed evacuation measures”.⁵ However, it did not mention any actual evacuation being carried out for people in Sittwe internment camps and villages. Rohingya people from Sittwe internment camps also reported to local media that no actual evacuation was carried out for Rohingya IDPs except for a limited number of older people, pregnant women and children.⁶

Shortly after the cyclone hit, UNOCHA launched a \$333 million Flash Appeal to assist 1.6 million affected people.⁷ However, according to information shared by humanitarian organizations with Amnesty International, the Myanmar military authorities impeded or, in certain cases, blocked this and existing humanitarian aid from entering the communities most in need in Rakhine State. Amnesty International also received reports that the Myanmar military was “delaying” authorizations to international humanitarian organizations that were providing urgent humanitarian assistance in the region.⁸ The UN Development Programme (UNDP) Resident Representative in Myanmar also pressed for urgent humanitarian access following the cyclone, noting that “[the] international community has to be given widespread access

¹ BBC, “Cyclone Mocha death toll rises sharply in Myanmar”, 19 May 2023, <https://www.bbc.com/news/world-asia-65646054>

² Save the Children, Myanmar: Cyclone Mocha leaves a trail of destruction, misery and death, 19 May 2023, <https://www.savethechildren.net/news/myanmar-cyclone-mocha-leaves-trail-destruction-misery-and-death>

³ United Nations (UN), Myanmar: Cyclone Mocha Situation Report No.1, 25 May 2023, <https://myanmar.un.org/en/233717-myanmar-cyclone-mocha-situation-report-no1-1400-25-may-2023>

⁴ Global New Light of Myanmar, Vol. X, No. 26, 13 May 2023, https://cdn.myanmarseo.com/file/client-cdn/gnlm/wp-content/uploads/2023/05/13_May_23_gnlm.pdf

⁵ Global New Light of Myanmar, Vol. X, No. 26, 13 May 2023, https://cdn.myanmarseo.com/file/client-cdn/gnlm/wp-content/uploads/2023/05/13_May_23_gnlm.pdf

⁶ Myanmar Now, “Hundreds feared dead after Cyclone Mocha hits western Myanmar's Rohingya IDP camps”, 16 May 2023, <https://myanmar-now.org/en/news/hundreds-feared-dead-after-cyclone-mocha-hits-western-myanmars-rohingya-idp-camps/>

⁷ United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), Myanmar: US\$333M humanitarian appeal to support communities hit by Cyclone Mocha, 23 May 2023, <https://www.unocha.org/story/myanmar-us333m-humanitarian-appeal-support-communities-hit-cyclone-mocha>

⁸ Interview by voice call with humanitarian staff working in Myanmar, 1 June 2023.

to the affected communities. And that's a very urgent requirement".⁹ On 8 June, the Myanmar military suspended humanitarian access in Rakhine State¹⁰ effectively blocking humanitarian organization's ability to operate in Rakhine. The suspension prevented cyclone-affected people from receiving life-saving assistance. National humanitarian organizations continue to provide much of the life-saving humanitarian assistance with limited available access.

The significant number of deaths and the level of destruction disproportionately affecting Rohingya IDPs following Cyclone Mocha is a result of many factors including the system of apartheid against the Rohingya people, in particular the measures of segregation and severe restrictions of freedom of movement imposed by the military; the long-standing and systematic discrimination against the Rohingya across Myanmar; and the military's restrictions on humanitarian aid access and delivery. The result is the absolute failure of the Myanmar military to respond properly to Cyclone Mocha.

Parties to a conflict, including the Myanmar military, are obligated to "allow and facilitate rapid and unimpeded passage" of impartial humanitarian assistance to civilians in need, including through ensuring freedom of movement for aid workers to carry out their work in the aftermath of a natural disaster such as Cyclone Mocha.¹¹ Accordingly, the continued restrictions on humanitarian aid imposed by the Myanmar military amount to violations of international humanitarian law. Myanmar is also a state party to the International Covenant on Economic, Social, and Cultural Rights. The Committee on Economic, Social, and Cultural Rights, has highlighted that state parties to the covenant have the obligation to guarantee minimum essential levels of economic, social and cultural rights, such as the rights to food, water, sanitation, health and housing, to all without discrimination.¹²

CONDITIONS OF APARTHEID

The conditions of apartheid the Rohingya people have had to endure since at least 2012 are a significant factor behind the deaths, injuries and destruction following Cyclone Mocha. About 148,000 Rohingya people are internally displaced in Rakhine State¹³ and are forced to live in dehumanizing conditions. They, along with hundreds of thousands of other Rohingya across Rakhine State, including Rathedaung township, have been and continue to be subjected to an institutionalized system of segregation and discrimination that Amnesty International has determined constitutes the crime of apartheid.¹⁴ Rohingya in the internment camps are subjected to increased vulnerabilities and hazardous exposure to disasters attributable to semi-permanent infrastructures that were built by international humanitarian organizations on a temporary basis (at the instruction of the Myanmar government) as a response to the displacements that took place in 2012 and 2017. For example, according to a Water, Sanitation, and Hygiene (WASH) Specialist with experience in Sittwe, Rakhine State, shelter in the camps of Sittwe fall short of the SPHERE standards (a set of principles and minimum humanitarian standards in food, sanitation, shelter and health).¹⁵ They were grossly inadequate to withstand a disaster like Cyclone Mocha.

Myanmar authorities' denial to the right of nationality of ethnic Rohingya people and restrictions stemming from discriminatory practices and regulations have long presented obstructive barriers for them to access healthcare, education, livelihood, freedom of movement and other social services. For decades, Rohingya people have been left with unsustainable livelihoods, limited productive assets, huge disparity in socio-economic assets and social conditions. Rohingya IDPs in Sittwe camps have had to rely on international humanitarian aid since 2012.

⁹ United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), Time running out to save Myanmar's Rakhine from hunger and disease post-Cyclone Mocha, 2 June 2023, <https://news.un.org/en/story/2023/06/1137277>

¹⁰ United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), Humanitarian Access Suspended in Cyclone-Ravaged Rakhine State, 12 June 2023, https://reliefweb.int/node/3970383?_gl=1*21vqab*_ga*MTgzMTIOMzkwMC4xNjgxMjAxNDQw*_ga_E60ZNX2F68*MTY4NjYzMjA4MS40LjEuMTY4NjYzMjE2OS4zOC4wLjA.

¹¹ International Committee of the Red Cross, Customary International Humanitarian Law, Rules 55 and 56.

¹² See Committee on Economic, Social and Cultural Rights (CESCR), General Comment Number 3, para. 10.

¹³ United Nations High Commissioner for Refugees (UNHCR), "Myanmar", <https://www.unhcr.org/countries/myanmar>

¹⁴ Amnesty International, "Myanmar: Rohingya trapped in dehumanising apartheid regime", 21 November 2017, <https://www.amnesty.org/en/latest/press-release/2017/11/myanmar-rohingya-trapped-in-dehumanising-apartheid-regime/>

¹⁵ Interview by voice call with WASH Specialist who worked in Sittwe, Rakhine State, 2 June 2023.

RESTRICTIONS ON FREEDOM OF MOVEMENT

The Myanmar military's denial of freedom of movement of Rohingya and other predominantly Muslim ethnic groups living in Sittwe internment camps and in villages affected by Cyclone Mocha across Sittwe and Rathedaung townships is another of the key causes of exacerbated suffering following the cyclone. These restrictions have a long history.

As previously documented by Amnesty International, since 2012, long-standing state-imposed restrictions on movement for the Rohingya have tightened and in some cases expanded. These severe restrictions on freedom of movement are put in place through an intricate web of national, "local orders" and state policies implemented by authorities that are discriminatory and racially-based.¹⁶ All Rohingya in Rakhine State are required to obtain official permission to travel between townships and out of the state to other parts of the country. Permits can only be obtained – if at all – through excessively bureaucratic and time-consuming procedures.¹⁷ The process to obtain such authorizations are cumbersome, expensive and exploitative.¹⁸ As a result of such restrictions and barriers to freedom of movement, Rohingya people have little or no access to healthcare, education and livelihood as compared to other ethnic groups in Rakhine State.

Fleeing persecution and apartheid conditions, Rohingya people go through dangerous land and sea journeys regularly to escape Rakhine State. The number of those seeking to flee only increased after the military coup of February 2021. The UN High Commission for Refugees (UNHCR) reported more than a six-fold increase of Rohingya people travelling from Bangladesh and Myanmar by sea in 2022 compared to 2021.¹⁹ Myanmar's military also arrested and imprisoned around 2,000 Rohingya people for 'unauthorized travel'²⁰ since the coup. Those arrested for 'unauthorized travel' within the country can be imprisoned for at least two years under immigration laws.²¹

The systematic and long-standing restrictions on freedom of movement of the Rohingya people likely contributed to the loss of life during and following Cyclone Mocha.²²

RESTRICTIONS ON HUMANITARIAN AID ACCESS & DELIVERY

The conditions set out above are further exacerbated by the military curtailments to crucial humanitarian assistance imposed across many areas of Myanmar. The military has imposed widespread, severe restrictions on humanitarian aid organizations which have led to limited access to crucial aid, including but not confined to logistical impediments, roadblocks and the active confiscation of lifesaving assistance such as medical supplies.²³ For instance, the Myanmar military imposes arbitrary restrictions on national and international humanitarian organizations through the Organization Registration Law which was recently enacted. Under the law, humanitarian and other organizations carrying out "social tasks" are required to register with boards made up of government representatives and to comply with broad and vaguely

¹⁶ Amnesty International, *Myanmar: "Caged without a roof": Apartheid in Myanmar's Rakhine State* (Index: ASA 16/7484/2017, 21 November 2017, <https://www.amnesty.org/en/documents/asa16/7484/2017/en/>)

¹⁷ Amnesty International, *Myanmar: "Caged without a roof": Apartheid in Myanmar's Rakhine State* (Index: ASA 16/7484/2017, 21 November 2017, <https://www.amnesty.org/en/documents/asa16/7484/2017/en/>)

¹⁸ Amnesty International, *Myanmar: "Caged without a roof": Apartheid in Myanmar's Rakhine State* (Index: ASA 16/7484/2017, 21 November 2017, <https://www.amnesty.org/en/documents/asa16/7484/2017/en/>; see also Independent Rakhine Initiative, "Freedom of Movement in Rakhine State", March 2020, <https://express.adobe.com/page/2yY6hUP7Q48bb/>)

¹⁹ United Nations High Commissioner for Refugees (UNCHR), UNHCR calls for support, solidarity amid rise in risky Andaman Sea crossings, 2 December 2022, <https://www.unhcr.org/ph/28471-unhcr-calls-for-support-solidarity-amid-rise-in-risky-andaman-sea-crossings.html#:~:text=Some%20%2C920%20people%2C%20mostly%20Rohingya,grave%20risks%20and%20fatal%20consequences.>

²⁰ Human Rights Watch, "Myanmar: No Justice, No Freedom for Rohingya 5 Years On, 24 August 2022", <https://www.hrw.org/news/2022/08/24/myanmar-no-justice-no-freedom-rohingya-5-years>

²¹ Myanmar, The Residents of Burma Registration Act, 1949, <https://www.burmalibrary.org/mm/the-residents-of-burma-registration-act-1949>, Section 6.

²² Interview by voice call with a Rohingya resident in Bumay, Sittwe township, 13 June 2023; Burmese Rohingya Organisation UK (BROUK), "Preventable deaths in Cyclone Mocha and the Rohingya genocide", May 2023, <https://www.brouk.org.uk/wp-content/uploads/2023/05/Preventable-Deaths-in-Cyclone-Mocha-and-the-Rohingya-Genocide.pdf>

²³ Amnesty International, Myanmar: "*Bullets rained from the sky*": War crimes and displacement in eastern Myanmar, (ASA 16/5629/2022), 31 May 2022, <https://www.amnesty.org/en/documents/asa16/5629/2022/en/>

worded provisions, including prohibitions on “mentioning false data” and “interference in the internal affairs of the state or politics”.²⁴ Non-compliance can be punishable by up to five years’ imprisonment for humanitarian workers.²⁵

Following Cyclone Mocha, Amnesty International received reports of delays in humanitarian access to Rakhine State and other regions affected by the natural disaster. The International Federation of the Red Cross reported that “access and time [is] of the essence to help affected families in Bangladesh and Myanmar,” and noted that “[a]ccess in Rakhine and the Northwest remains heavily restricted.”²⁶ Responding to the suspension of all travel authorizations effective on 8 June, UNOCHA noted that the suspension is “[paralysing] the humanitarian assistance” reaching 110,000 people receiving shelter and other relief items, and almost 300,000 people receiving food items.²⁷ It also said the suspension is “[yet] another devastating setback for more than a million people whom humanitarians had planned to reach with life-saving assistance in cyclone-hit Rakhine state over the weeks and months ahead.”²⁸

Given the limited access for international humanitarian organizations, much of the emergency response and ongoing rescue responses in Rakhine State have been led by national organizations that can operate in Rakhine more flexibly than international organizations. However, these efforts are insufficient to meet the growing needs of the affected population.

REPATRIATION PLANS

The devastating impacts of Cyclone Mocha have underscored and further compounded the unlivable conditions under which the Rohingya people in Rakhine State lived prior to the natural disaster. Despite this, the government of Bangladesh and Myanmar military authorities have “pilot repatriation” plans to repatriate an initial group of 1,140 Rohingya refugees to Myanmar at an unspecified date and 6,000 by the end of 2023.²⁹

The Special Rapporteur for the Situation of Human Rights in Myanmar has called for Bangladesh authorities to suspend the pilot project to return Rohingya refugees to Myanmar.³⁰ Humanitarian assistance and human rights groups have also urged Bangladesh to stop the repatriation³¹ after recent visits of the Myanmar military authorities’ delegation to Cox’s Bazar for negotiations concerning repatriations.³² Given that the Rohingya in Myanmar are subjected to the crimes against humanity of apartheid and persecution, and are denied the right to nationality, freedom of movement and other human rights, there can be no safe or dignified return of Rohingya refugees. Until Rohingya refugees have their right to nationality recognized and respected by Myanmar authorities and can enjoy their human rights on an equal basis with others in Myanmar, they must not be returned to Myanmar.

²⁴ Myanmar, Constitution of the Republic of the Union of Myanmar, 2008, Order Number 46/2022, Section 419.

²⁵ Myanmar, Constitution of the Republic of the Union of Myanmar, 2008, Order Number 46/2022, Section 419.

²⁶ International Federation of Red Cross and Red Crescent Societies (IFRC), Cyclone Mocha: Access and time of the essence to help affected families in Bangladesh and Myanmar, 16 May 2023, <https://www.ifrc.org/press-release/cyclone-mocha-access-and-time-essence-help-affected-families-bangladesh-and-myanmar>

²⁷ United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), Humanitarian Access Suspended in Cyclone-Ravaged Rakhine State, 12 June 2023, https://reliefweb.int/node/3970383?_gl=1*21vqab*_ga*MTgzMTI0MzkwMC4xNjgxMjAxNDQw*_ga_E60ZNX2F68*MTY4NjYzMjA4MS40LjEuMTY4NjYzMjE2OS4zOC4wLjA.

²⁸ United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), Humanitarian Access Suspended in Cyclone-Ravaged Rakhine State, 12 June 2023, https://reliefweb.int/node/3970383?_gl=1*21vqab*_ga*MTgzMTI0MzkwMC4xNjgxMjAxNDQw*_ga_E60ZNX2F68*MTY4NjYzMjA4MS40LjEuMTY4NjYzMjE2OS4zOC4wLjA.

²⁹ Office of the High Commissioner for Human Rights (OHCHR), Bangladesh must suspend pilot project to return Rohingya refugees to Myanmar: UN expert | OHCHR, 8 June 2023, <https://www.ohchr.org/en/press-releases/2023/06/bangladesh-must-suspend-pilot-project-return-rohingya-refugees-myanmar-un>

³⁰ Office of the High Commissioner for Human Rights (OHCHR), Bangladesh must suspend pilot project to return Rohingya refugees to Myanmar: UN expert | OHCHR, 8 June 2023, <https://www.ohchr.org/en/press-releases/2023/06/bangladesh-must-suspend-pilot-project-return-rohingya-refugees-myanmar-un>

³¹ Human Rights Watch, “Bangladesh: New Risks for Rohingya Refugee”, 18 May 2023, <https://www.hrw.org/news/2023/05/18/bangladesh-new-risks-rohingya-refugees>; Refugees International, Repatriation Endangers Rohingya Refugees, 2 June 2023, <https://www.refugeesinternational.org/reports/2023/6/2/repatriation-endangers-rohingya-refugees>

³² Aljazeera, Rohingya delegation visits Myanmar amid latest repatriation plans, 5 May 2023, <https://www.aljazeera.com/news/2023/5/5/rohingya-delegation-visits-myanmar-amid-latest-repatriation-plans>

CONCLUSION AND RECOMMENDATIONS

The long-standing conditions of apartheid and the purposeful and discriminatory restrictions on freedom of movement imposed on Rohingya people left them extremely vulnerable when Cyclone Mocha hit Myanmar. The Myanmar military then failed to mitigate the disastrous impact of the cyclone by a lack of adequate preparedness measures, discrimination in implementing the limited measures it did take and unwillingness to cooperate with organizations and communities that could have helped limit the impact of the cyclone. All of this took place in the context of severe and continuing restrictions on delivery of life-saving humanitarian aid, leading to a significant but preventable loss of life among the Rohingya population.

In this context, Amnesty International makes the following calls:

To the Myanmar military:

- Immediately lift all restrictions on freedom of movement along with other discriminatory practices and regulations to enable the Rohingya to access life-saving humanitarian assistance and other human rights;
- Immediately allow unimpeded humanitarian access to all humanitarian organizations and remove administrative barriers delaying humanitarian access and needs assessment;
- Immediately halt any plans of involuntary repatriation of Rohingya refugees from Bangladesh.

To the Government of Bangladesh

- Immediately halt any plans of involuntary repatriation of Rohingya refugees;
- Ensure Rohingya refugees have the right to participate in decisions that affect their life.

To the international community

- Provide sufficient humanitarian funding and allow flexible funding requirements for national organizations responding to the humanitarian crisis in Myanmar.

To the UN General Assembly

- Re-establish the Special Committee against Apartheid, which was originally established under UN General Assembly Resolution 1761 (XVII) of 6 November 1962, to focus on all situations, including Myanmar, where the serious human rights violation and crime against humanity of apartheid are being committed and to bring pressure on those responsible to disestablish these systems of oppression and domination.