

# Lawyers' Rights Watch Canada

*NGO in Special Consultative Status with the Economic and Social Council of the United Nations*  
Promoting human rights by protecting those who defend them

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13 September 2017

President U Htin Kyaw  
President's Office  
Office No. 18  
Nay Pyi Taw,  
Republic of the Union of Myanmar  
Fax: 011 95 1 652 624

Daw Aung San Suu Kyi  
State Counsellor and Union Minister for  
Foreign Affairs  
Ministry of Foreign Affairs  
Building 9  
Nay Pyi Taw,  
Republic of the Union of Myanmar  
Via: Visitor post to:

<https://www.facebook.com/state.counsellor/>

Minister of Home Affairs  
Lt. Gen. Kyaw Swe  
Ministry of Home Affairs, Office No. 10  
Nay Pyi Taw,  
Republic of the Union of Myanmar  
Via: Facebook message to  
<https://www.facebook.com/officemohamyanmar/>

Your Excellency and Ministers;  
**Re: Attacks on Rohingya people**

Lawyers' Rights Watch Canada (LRWC) is a committee of Canadian lawyers and other human rights defenders who promote human rights and the rule of law through advocacy, education and research. LRWC is an NGO in Special Consultative Status with the Economic and Social Council (ECOSOC) of the United Nations (UN).

LRWC is alarmed by reports of continuing widespread and grave human rights abuses against Rohingya people by Myanmar's security and armed forces since 25 August 2017.

In response to reports of continuing and unremedied grave human rights abuses by Myanmar officials against Rohingya people, the UN Human Rights Council, on 24 March 2017, passed resolution A/HRC/RES/34/22, creating an independent international Fact Finding Mission on Myanmar (FFM) with a mandate to

establish the facts and circumstances of the alleged recent human rights violations by military and security forces, and abuses, in Myanmar, in particular in Rakhine State,  
Attacks on Rohingya people

including but not limited to arbitrary detention, torture and inhuman treatment, rape and other forms of sexual violence, extrajudicial, summary or arbitrary killings, enforced disappearances, forced displacement and unlawful destruction of property, with a view to ensuring full accountability for perpetrators and justice for victims, and requests the fact-finding mission to present to the Council an oral update at its thirty-sixth session and a full report at its thirty-seventh session.

The Government of Myanmar responded by refusing access to the FFM. This refusal is part of a pattern of refusal to allow human rights defenders and journalists to freely conduct independent monitoring of human rights violations in Myanmar. Instead, there is a pattern of judicial harassment of human rights defenders including independent journalists reporting human rights violations.

On 24 August 2017, the Rakhine Advisory Commission, commissioned by the government of Myanmar to provide an analysis of the situation in Rakhine state, released a report concluding that the Rohingya people of Rakhine state are vulnerable to human rights abuses as the result of inter-communal violence in the region, their ineligibility for citizenship within Myanmar, and widespread discrimination against them. The report predicts an increased risk of radicalization and armed conflict in the region if the issues of violence, citizenship, and discrimination are not addressed. The report also noted concerns about poor access to justice, weaknesses in law enforcement and corruption within Myanmar's justice system.

On 25 August 2017, attacks by insurgents on police outposts along the Myanmar Bangladesh border, prompted an armed response by Myanmar's military and security forces that is reported to have involved: mass shootings of unarmed civilians, burning of Rohingya villages and the use of anti-personnel landmines against Rohingya civilians as they attempted to flee attacks by Myanmar's military and security forces; and the enforced displacement of as many as 300,000 Rohingya people.

The United Nations High Commissioner for Human Rights Zeid Ra'ad Al Hussein, in an address to the UN Human Rights Council on 11 September 2017, described Myanmar's armed response in Rakhine State as a "brutal," disproportionate, carried out "without regard for basic principles of international law," "a textbook example of ethnic cleansing," and possibly "amounting to crimes against humanity." The High Commissioner called on Myanmar to "end its current cruel military operation, with accountability for all violations that have occurred, and to reverse the pattern of severe and widespread discrimination against the Rohingya population."

On 13 September 2017, the UN Security Council unanimously condemned the violence, expressed "concern about reports of excessive violence during the security operations" and called for immediate steps to end the violence in Rakhine, de-escalate the situation, re-establish law and order, ensure the protection of civilians.

LRWC calls upon the government of Myanmar, including State Counsellor Aung San Suu Kyi:

- to acknowledge human rights abuses against the Rohingya population by the police, security and armed forces of Myanmar;
- to adopt the recommendations in the Rakhine Advisory Commissions Force immediately, including recommendations to amend citizenship laws which discriminate against the Rohingya as a class of people and serve to isolate the Rohingya socially and economically;

- to bring those responsible for human rights violations against the Rohingya to justice, including all those responsible for the murder of human rights lawyer U Ko Ni on 29 January 2017;
- to immediately halt all harassment of human rights defenders including human rights monitors and journalists and adhere to the UN Declaration on Human Rights Defenders.
- to immediately allow members of the FFM and their staff to enter Myanmar and to conduct the investigation mandated by the UN Human Rights Council;
- to cooperate with the FFM and provide the assistance required to ensure a thorough investigation.

LRWC looks forward to your urgent response these concerns and recommendations.

Sincerely,



Paul Copeland, LRWC Myanmar Monitor

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