



**Testimony of the Hon. Thomas H. Andrews
President and CEO of United to End Genocide
U.S. House of Representatives Committee on Foreign Affairs
“Spotlighting Human Rights in Southeast Asia”
July 9, 2014**

Thank you, Mr. Chairman for convening this important hearing. It is an honor for me to participate. Thank you also for the leadership that you have provided in bringing what has been an inconvenient truth about Burma to the attention of Congress and the public: the systematic abuse, discrimination and assault on members of minority communities - from the Rohingya ethnic minority in the west; to the Kachin and Shan ethnic minority states to the east; to Muslims who are finding themselves threatened and under attack in communities throughout Burma.

I have travelled extensively in Burma since important reforms took place three years ago – reforms that followed the application of clear, consistent pressure from the international community, led by the United States – reforms that led to the movement of Nobel Peace Laureate Aung San Suu Kyi from house arrest to parliament.

And while Burma’s reforms must be recognized, and we have done so consistently, the brutal reality that I discovered in my travels is inconsistent with the pervasive good news narrative about Burma and its movement forward to democracy, justice and the rule of law. The policy of the U.S. government needs to reflect this reality.

Mr. Chairman, I believe that the disturbing conditions and trends in Burma require a reassessment and recalibration of U.S. – Burma policy. There are two disturbing trajectories in Burma: the growing evidence of abuses or the failure to protect civilians by the military dominated government; and an increase in rewards and engagement by the U.S. government. The United States has lifted sanctions and made high level diplomatic and military visits. It now has plans to provide further economic rewards while pursuing steadily higher engagement over the coming months from the Assistant Secretary and Lt. General level up to the scheduled visit by the Secretary of State in August and another visit by President Obama in November.

Mr. Chairman, actions speak louder than words. The administration has expressed concerns about disturbing developments in Burma. It also pledges that administration officials will press their Burma counterparts on human rights issues. But the fact is, administration action – or inaction – undermines whatever concerns it might express privately or publicly. Action is the language that the leaders of Burma most understand.

We urge the administration and Congress to not only condemn the disturbing trends that are clearly evident in Burma but hold the government and military leaders of Burma fully accountable. At a minimum, this should include establishing a moratorium on any further concessions and rewards – such as diplomatic and military visits and eligibility for General System of Preferences (GSP) trade benefits - until specific urgent issues are addressed – including:

- The restoration of health care services in Rakhine State that were interrupted by the expulsion of Doctors Without Borders;
 - Allowing the UN Office of the High Commissioner for Human Rights to open and fully staff an office that has full access to all areas of the country;
 - Denouncing hate speech and actions that further marginalize ethnic minorities and inflame ethnic tensions and holding accountable those who are responsible;
 - Allowing credible independent investigations into the violence in Rakhine State that includes the international community; and
 - Providing a full accounting of military abuses in Kachin and northern Shan states.
- In addition, the United States should make it clear that any future bi-lateral meetings between President Obama and President Thein Sein will depend on President Thein Sein taking credible steps to fulfill the promises that he made to President Obama during his visit to Burma in November of 2012 and reiterated in President Thein Sein’s visit to the White House in 2013.
- The United States government should update the “Specially Designated Nationals” (SDN) list to include individuals responsible for the upswing in recent hate-speech, fear mongering, and ethnic violence.
- Engagement between the militaries of the United States and Burma should be strictly limited until the conditions cited in HR 4377, the “Burma Human Rights and Democracy Act of 2014”, introduced by Congressman Chabot, are fully met. These include the government of Burma:
- Establishing civilian oversight of the armed forces and addressing human rights abuses by the Burmese military;
 - Taking steps to establish a fair and inclusive process to amend the Constitution of Burma, including the full participation of the political opposition and ethnic minority groups;
 - Amending the constitution and laws to ensure civilian control of the military and that the Burmese military has taken substantial and meaningful steps to divest itself from ownership of commercial businesses;
 - Promoting peace agreements or political reconciliation and addressing the resettlement and humanitarian situation of displaced persons;
 - Ensuring the Burmese military is improving its human rights record, taking steps to withdraw forces from conflict zones, and implementing a code of conduct.

There are those who argue for patience, that reform takes time. But, the fact is for millions in Burma things are getting decidedly worse, not better, as respect for human rights deteriorates and the danger of a massive loss of life gets worse.

As we have seen, strong and consistent pressure on those in power in Burma works - it made reform in Burma possible. To abandon pressure despite deteriorating conditions is to abandon those who continue to suffer in Burma because of their ethnicity and religion.

Marching to Genocide – The Plight of the Rohingya

Two months ago this Committee passed a Congressional Resolution on Burma, H. Res. 418, sponsored by Jim McGovern (D-MA), Joe Pitts (R-PA), Trent Franks (R-AZ), and Chris Smith (R-NJ). It addressed the living hell that hundreds of thousands of Rohingya are subjected to every day in Burma.

During debate on the floor of the House, led by you, Mr. Chairman, Ranking Member Engel, Chairman Chabot and Congressman McGovern, photos I had taken of Rohingya camps and communities in Rakhine State were prominently displayed.

My travels in Burma included meetings with patients and their families who had been informed that doors of the medical clinics that they depended on would no longer be open. This was not because the medical care was not available - more than five hundred health care professionals and support staff from Doctors Without Borders were in Rakhine State and they were ready, willing and able to provide that desperately needed care. Indeed, Doctors Without Borders was the principle source of health care for the Rohingya ethnic minority community. In what was tantamount to a death sentence for untold numbers of people, the government of Burma ordered them out of Rakhine State at the end of February. The suffering that followed was not because of anything that members of this minority had done, but because of who they are - their ethnicity and the god who they prayed to. This, Mr. Chairman, is unconscionable and outrageous.

It has been estimated that within two weeks of the government's expulsion of Doctors Without Borders, at least 150 Rohingya died including more than 20 pregnant women experiencing life-threatening deliveries. Last year, Doctors Without Borders provided more than 400,000 health care consultations and over 2,900 emergency referrals in eight townships in Rakhine State. While the government has claimed it can fill the gap, it has nowhere near the needed capacity and Rohingya, fearing for their safety, often refuse to visit the limited government health officials and facilities that are available.

I saw the empty clinics firsthand in Rakhine situated next to villages and families in desperate need of care.

According to a government spokesperson, Doctors Without Borders was thrown out of Rakhine State for two principle reasons: First, they reported treating some 20 people for gunshot and other wounds near a location where the UN reported a massacre of 40 people to have taken place in January 2014 – a massacre that the government denies ever occurred. And second, Doctors Without Borders hired Rohingya as staff where they were treating Rohingya patients.

A few weeks after the doors of Doctors Without Borders clinics were closed, attacks by local Rakhine Buddhists caused over 700 other foreign aid workers to evacuate. Their return has been slowed by government restrictions and the requirement of approval for return by a local committee that includes clearly biased Rakhine officials.

Approximately 140,000 Rohingya were placed in large isolated camps for Internally Displaced Persons or IDPs after the violence that destroyed entire villages and neighborhoods in 2012. The reality behind these camps is that those who live there are not only displaced – they are now living where the government clearly intends them to be confined indefinitely, totally isolated and under the control of government security. They have aptly been described as concentration camps where virtually every aspect of their lives is controlled. In addition to those living in the camps, approximately one million two

hundred thousand Rohingya live in Rakhine State. While their homes and villages have not been torched in ethnic violence, they too live in fear and under the yoke of government control and the systematic denial of what we would consider fundamental rights.

Rohingya face official restrictions on their freedom of movement, who they can marry, how many children they can have, access to education, and construction of religious buildings.

The human rights advocacy group Fortify Rights recently published a report based on leaked government documents detailing abusive “population control” measures. The group asked the question “Can the central government in Naypyidaw really be blamed for unrest in far-flung Rakhine State?” and came up with the answer, “The latest developments suggest the answer is yes and paint a dark picture of state-sponsored persecution”.

This persecution and the conditions of life in what have been referred to as open air prisons and concentration camps have led tens of thousands of Rohingya to risk their lives at sea. The UN Refugee Agency estimates that some 80,000 Rohingya have fled by boat since 2012. Of those, hundreds, if not thousands are believed to have drowned. Those who make it to surrounding countries, Thailand, Malaysia, or Bangladesh often fall victims to human traffickers who imprison them or force them to work on rubber plantations or as sex workers until family members pay large ransoms. This spring I met with some of the lucky Rohingya who had just taken the perilous journey to Malaysia. And, I visited the families of some who were anything but lucky. According to their parents, they remain captive in the jungle prisons of their human traffickers who are demanding that their families pay thousands of dollars for their release.

The U.S. State Department’s annual Trafficking in Persons reports cited treatment of Rohingya refugees in Thailand and Malaysia as among the reasons those countries’ designations were downgraded this year. The plight of the Rohingya remains a domestic, regional, and international one.

Within Burma, several pieces of legislation have been introduced into the Parliament of Burma that seek to further restrict the rights of the Rohingya, other Muslims, and other religious minorities. One proposed law, already published in draft form, would restrict religious conversions by requiring those seeking to change their religion to gain permission from panels of government officials. Further proposed laws seek population control measures and curbs on interfaith marriage. This legislation has become an organizing tool or weapon for radical nationalist monks who have allegedly collected more than three million signatures at anti-Muslim rallies held throughout the country.

The campaigns of hatred against Rohingya and other Muslims have been well organized and paired with the distribution of pamphlets and DVDs and boycotts of Muslim shops. Extreme nationalist Buddhist monks like Ashin Wirathu, the self-proclaimed “Buddhist Bin Laden”, have played to popular fears, calling Muslims “dogs” and “African carp” who “breed quickly...are very violent and they eat their own kind.” Such dehumanization, use of hate speech in well organized campaigns, denial of basic health care, and history of persecution against a specific people are all known precursors to genocide. Mr. Chairman, there is no place on earth where there are more known precursors to genocide than in Burma today.

Further details on the existence of precursors to genocide are included in a report by my organization, United to End Genocide, titled “Marching to Genocide in Burma” which I am including with my testimony for the record.

Anti-Muslim Violence

While the plight of the Rohingya in western Burma is the most egregious and urgent, anti-Muslim campaigns stretch to the rest of the country as well, threatening further violence and abuses. The infamous, so-called “969 movement” of extremist Buddhist monks has travelled throughout the country holding anti-Muslim rallies and organizing boycotts of Muslim businesses. This was first indicated through the use of “969 stickers” and has more recently taken on the slightly more subtle but equally pervasive use of Buddhist flags.

Just last week, rumor and allegations led to violent clashes between Buddhists and Muslims in Mandalay in central Burma. The very same Ashin Wirathu used Facebook to spread allegations of a Buddhist woman raped by Muslims, to call upon the Buddhist masses to seek their own justice, and to incite violence with the claim that “Muslims ‘armed to the teeth with swords and spears’ were preparing a jihad against local Buddhists.” The ensuing violence left several people injured and two men killed, one Buddhist and one Muslim.

This violence struck me on a very personal level as I learned that one of the men killed, U Soe Min, was someone I had the privilege to meet when I visited Mandalay last year. U Soe Min was among a group of Muslim leaders I met with who were seeking to promote peace and harmony in Burma. He warned of the growing storm clouds of hatred and intolerance in Mandalay and Burma.

Unfortunately, this violence was not without precedent. In March 2013, Buddhist mobs with local police officers complicit, attacked mosques and Islamic schools in the town of Meiktila in central Burma killing some 40 people including at least 20 children and four teachers. The former UN Special Rapporteur for Human Rights Tomas Quintana has reported that “police and other civilian law enforcement forces have been standing by while atrocities have been committed before their very eyes, including well-organized ultra-nationalist Buddhist mobs.”

I am disturbed by similar reports I’ve received from the ground that police have failed to act to protect Muslims from Buddhist crowds in Mandalay.

A pattern of impunity and failure to protect on the part of the Burmese government has left an environment ripe for the instigation of violence by extremists. Rather than countering the dangerous speech and actions of Wirathu, President Thein Sein has stepped up to defend and praise Wirathu as a “son of Buddha”.

Broader Abuses against Ethnic Minorities

In addition to the documented systematic persecution of the Rohingya, the central government and army have been directly implicated in systematic abuses against other minority groups throughout the country. Burma has a long disturbing record in dealing with minority ethnic and religious groups. Within the past two years, the Burmese army has bombed civilian areas in Kachin state, systematically tortured civilians, and continues to restrict international aid. Over 100,000 people remain displaced in Kachin state. In March, the UN Human Rights Council cited concerns about abuses in Kachin and Rakhine states and “remaining human rights violations including arbitrary detention, forced displacement, land confiscations, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment, as well as violations of humanitarian law.”

Much has been said by the Government of Burma about ceasefire agreements and national efforts to reconcile with various ethnic groups. The unfortunate truth is that the talks have stalled and the ceasefire agreements are largely hollow as fighting and abuses continue.

Last month marked three years since the restart of fighting between the Burmese army and Kachin rebels. In that time, torture and rape have been rampant in Kachin and northern Shan states. A report by Fortify Rights last month documented systematic use of torture and other cruel, inhuman, and degrading treatment or punishment (“ill treatment”) of more than 60 civilians by Myanmar authorities from June 2011 to April 2014. The report concluded that the abuses constituted war crimes and crimes against humanity.

Similarly, a report by the Women’s League of Burma has documented more than 100 cases of rape committed by Burma’s army since 2010, mostly in Kachin and northern Shan states, and found that the military is using sexual violence as a tool against ethnic communities.

I was in Kachin state visiting internally displaced persons on the day that Aung San Suu Kyi was voted into parliament in April 2012. Even as those promising ballots were being submitted, tens of thousands remained under siege, with artillery shells literally dropping at the very same time. It is a stark reminder of the dark side of developments in Burma that cannot be ignored even as we want to celebrate the positive reforms that have been made.

Problems with Reform

In addition to these disturbing developments, the promised reforms of Burma’s undemocratic and repressive political system remain unfulfilled. Those who have long held power have made it clear that they have every intention to maintain an undemocratic and unaccountable political system that will allow them to continue their tight grip on Burma and its people.

As a result, it is highly unlikely that Aung San Suu Kyi will be allowed to run for president in 2015. Twenty-five percent of seats in the Parliament will still be guaranteed to unelected military appointees and more than 75 percent of parliamentary votes will be needed to amend the constitution. As a result, constitutional changes will require the approval of Burma’s unelected and unaccountable military. Human rights activists and groups like Human Rights Watch have further noted backsliding on press freedoms, new instances of land-grabbing, and continued corruption and control of the economy by cronies at the highest levels.

When President Obama became the first sitting U.S. president to visit Burma in November of 2012, President Thein Sein made 11 commitments to deepen democracy and protect human rights. Six months later, as a further reward for this spirit of reform, President Obama welcomed Thein Sein to the White House, where Thein Sein reiterated his dedication to those 11 commitments. Since that pledge, only one of those commitments has been fulfilled, three have been virtually ignored, and efforts on the rest are mixed at best. Some progress has been made on a few of President Thein Sein’s commitments, such as access for the International Committee of the Red Cross to prisons and procedures to release political prisoners. But, restrictions to prisons remain and new or re-arrests of political prisoners continue to be made. Other commitments, including international humanitarian access to conflict-affected areas, the opening of an Office of the UN High Commissioner for Human Rights, and decisive action in Rakhine State have been blatantly ignored.

Conclusion

The United States cannot ignore the acute risk of genocide in Burma's Rakhine State, nor the broader anti-Muslim violence that has spread across the country, nor the ongoing serious human rights abuses against ethnic minority groups. Nor can it dismiss the government of Burma's backsliding on democratic reforms and protections of the fundamental rights of the citizens of Burma.

As bad as conditions are, they are getting particularly worse in Rakhine State. And, I fear that they will get even worse as the 2015 election season arrives and political forces appeal to the worse of human nature – fear and prejudice – as they scapegoat those who are most vulnerable. This has the danger of spreading to other Muslim communities, as we have seen recently in Mandalay. The voices of those like U Soe Min who are trying to speak the language of peace and reconciliation are, unfortunately, a small and beleaguered number. I heard over and over again, in my conversations with civil society in Burma, the voices of the international community are much needed, and those of the United States perhaps most of all.

Mr. Chairman, please do not underestimate the importance of Congressional attention and action. When the pictures of the Rohingya I met were displayed on the floor of the House of Representatives, I was able to look on from Burma. And I was not alone. The spokesman for President Thein Sein was asked directly about the Rohingya Resolution and the statements made on the House floor. He and other leading voices in the Government of Burma want the international legitimacy accorded with closer relations with the United States. They want the economic benefits of U.S. investments and special trade arrangements and the security benefits of closer relations to the U.S. military. But they must realize that such remaining rewards cannot and will not come while the conditions described in my testimony continue to deteriorate.

How much suffering will millions in Burma need to endure for the United States and other members of the international community to demand accountability of the government and a reversal of repressive and lethal policies and practices? When will the United States insist that President Thein Sein of Burma fulfill the unkept promises that he made to President Obama in November of 2012?

Mr. Chairman, it is time for change in U.S. - Burma policy. The U.S. Congress has played an important role in helping to bring a hidden and brutal reality to light. We look to you now to insist on action.

Thank you, again, for holding this important Congressional hearing and for the opportunity to participate. I will be happy to answer any questions.