

AMNESTY INTERNATIONAL

OPEN LETTER

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Secretary Alan Peter Cayetano
Foreign Secretary of the Republic of the Philippines
Department of Foreign Affairs
2330 Roxas Boulevard
Pasay City, Metro Manila
Philippines

Dear Secretary Cayetano,

OPEN LETTER: ASEAN MUST ADDRESS HUMAN RIGHTS VIOLATIONS AROUND THE MYANMAR RAKHINE CRISIS

We are writing on behalf of Amnesty International to express our deep concerns over the human rights and humanitarian crisis facing the civilian population of northern Rakhine State. As the current Chair of the Association of Southeast Asian Nations (ASEAN) our organisations urge the Philippines to take urgent steps to address the issue in accordance with the ASEAN Charter and international human rights law and standards.

Since a Rohingya armed group launched a series of coordinated attacks on dozens of security forces posts on 25 August 2017, the Myanmar's security forces have engaged in an unlawful and disproportionate campaign of violence against the Rohingya. Amnesty International has documented numerous human rights violations and abuses including unlawful killings and large scale burning of homes and villages and has also confirmed the use of anti-personnel landmines by the Myanmar Army. Further humanitarian access to northern Rakhine State has been severely restricted to the UN and other international humanitarian organisations, putting tens of thousands of lives at risk. According to latest UN estimates 480,000 Rohingya have fled to Bangladesh, while the Myanmar government has evacuated over 30,000 people belonging to other ethnic minority communities within Rakhine State.

While we recognize that the Myanmar authorities have the duty and the right to protect the population – and officials from attacks, and to investigate and bring to justice those suspected of responsibility, they must ensure that measures taken in response to the attacks are proportionate and do not involve human rights violations.

Instead, evidence gathered by Amnesty International has led us to conclude that what is happening in northern Rakhine State may be described as ethnic cleansing, with the

Rohingya targeted for their ethnicity and religion. In legal terms, these are crimes against humanity that include murder and deportation or forcible transfer of population. The violence in northern Rakhine State has occurred in a wider context of long-standing discrimination against the Rohingya in Myanmar where they are segregated, denied a right to a nationality, and face severe restrictions on their rights to freedom of movement, access to education, healthcare, and livelihoods, to practise their religion and participate in public life.

The ASEAN Charter clearly provides that “ASEAN and its member states shall act in accordance with” the principle of “respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice”. Further Article 20(4) provides that “[i]n the case of a serious breach of the Charter or noncompliance, the matter shall be referred to the ASEAN Summit for decision;” and Article 7(2)(d) that “The ASEAN Summit shall... address emergency situations affecting ASEAN by taking appropriate actions”. Amnesty International believes that Myanmar has seriously breached the human rights commitment it is obliged to uphold under the ASEAN Charter.

While our organisation notes the statement from the ASEAN Chair on 24 September expressing concerns and condemning “all acts of violence which resulted in loss of civilian lives, destruction of homes and displacement of large numbers of people” in the Rakhine state we believe that this does not go far enough and what is required is a much more significant response from ASEAN to the crisis in Myanmar.

Therefore we call on ASEAN to take the follow steps as a matter of priority:

- Hold an emergency ASEAN summit to deal with the crisis, in accordance with Articles 20(4) and Article 7(2)(d) of the ASEAN Charter to discuss with the Government of Myanmar immediate ways to :
 - End the ongoing violence, human rights violations and crimes under international law;
 - Ensure humanitarian assistance to Rohingya refugees in Bangladesh and those displaced within Myanmar;
 - Ensure the safe and voluntary return of any of the Rohingyas wishing to do so to their homes in safety and dignity;
 - Address the root causes of the current crisis, in particular the entrenched discrimination and segregation, on ethnic and religious grounds, against the Rohingya;
 - Support the Fact-Finding Mission of the Human Rights Council and any other international initiatives to investigate human rights violations and crimes under international law and bring perpetrators to justice; and
- Support the adoption of a resolution on the deteriorating situation of human rights in Myanmar at the UN General Assembly; and
- Establish a mechanism, whether within the ASEAN Intergovernmental Commission on Human Rights (AICHR) or outside it, which would receive complaints of human rights violations by any ASEAN Member State from individuals and groups, with a mandate to investigate such complaints, seek and receive information from the

Member State concerned, and make recommendations to address the issues raised by the complaint.

Yours sincerely,

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