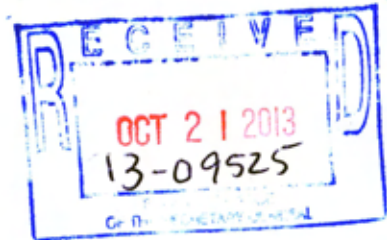


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Note to the Secretary-General

Update on the situation in Rakhine State, Myanmar

1. The present note is intended to provide an update on the human rights implications of the ongoing communal violence in Rakhine State, Myanmar. The most recent incident of communal violence, which occurred in Thandwe Township, Rakhine State on 1 October, led to the death of five Kaman Muslim villagers, the serious injury of five other people, the destruction of over 100 private and religious buildings, and the displacement of around 500 people. We are pleased that you raised your concerns about this incident with H.E. Mr. Wunna Maung Lwin, Minister for Foreign Affairs of Myanmar on 1 October 2013, in the margins of the General Assembly.

in late Sept - early

① 18/10/13

②/④

2. OHCHR representatives participated in a UNCT inter-agency humanitarian response mission to Thandwe Township, from 4 to 6 October. In this context, they undertook interviews with a number of villagers before, during and after the mission to *inter alia* gather information about the human rights implications of the incident of communal violence. A report on the overall humanitarian implications is being prepared separately by the Humanitarian Coordinator's office and will be shared with the Government for follow-up action. This summary is intended to complement the UNCT report.

3. The communal violence of 29 September to 3 October seems to reflect the merging of issues: Buddhist conflicts with Rohingyas in northern Rakhine State and the increasing suspicion of and discrimination against Muslims in Myanmar more generally. On 1 October, four Kaman men were killed in Thapyu Kyain village, allegedly because they were Muslim. Three were killed with machetes and one was speared as he was running away. One 94-year old woman was also killed. In addition, over 100 private and religious buildings were destroyed in the violence across Thandwe Township last week, displacing nearly 500 people. Most of the destruction in all observed villages appeared to be the result of deliberate acts by Buddhist villagers to identify and destroy Muslim homes. However, it remains somewhat unclear as to whether the perpetrators were local Buddhist villagers, or persons coming from outside of the township.

4. It appears that the communal violence in Thandwe Township, which followed systematic incitement to hatred, could have been prevented. Some Buddhists in Thandwe Township had been trying to force out the Kaman Muslim community since last March. OHCHR received information that monks were announcing instructions over loudspeakers to the Buddhist population over the past several months to socially and economically isolate Muslims, which shows parallels with the systematic campaign of incitement that occurred prior to the intercommunal violence in Meiktila, Mandalay Region last March. The apparent goal was to cut off Kamans from income-generating activities, access to markets and food, and other basic services necessary for daily survival so that they would eventually decide to leave. Kaman residents also reported receiving verbal warnings to vacate the village from their fellow Rakhine neighbours and they were reportedly told as early as June 2013 that no one could protect them and that they only had four months to survive there, upon which, they would be forced out. Some

"Kaman"
Muslims



villagers also reported receiving numerous threatening anonymous phone calls with instructions to leave their village starting around 15 September 2013. On the evening of 30 September, the night before the attack on Thapyu Kyain, Kaman villagers also said that they noticed most of the Buddhist women and children inexplicably leaving the village.

5. Compounding the Kaman community's vulnerability is their legal status in country. Kaman Muslims are one of Myanmar's 135 official ethnic communities and thus technically entitled to citizenship. However, many Kamans in Thandwe interviewed during the mission reported not having Citizenship Scrutiny Cards, despite having applied for them. In some cases bureaucratic inefficiency may be at fault, but the delays are fuelling perceptions that local government in Thandwe is deliberately discriminating against the Kaman population. For the time being, most Kamans hold Temporary Registration Cards and require special permission to travel between townships. This essentially means they have the same legal status as many Rohingya in Myanmar. There are some indications that extremist elements in Rakhine State have pointed to the Kaman community's lack of proper documentation to justify their expulsions from the area.

6. The security response to the Thandwe incidents, although far from adequate, seems to have been an improvement over other incidents in Rakhine State and even other parts of the country. Within a day of the first reports of violence, senior state and union level minister and security officials, including the President, travelled to Thandwe to help bring the situation under control. Nay Pyi Taw deployed the military as well as a criminal investigation team. President Thein Sein promised speedy justice. Around 44 people, mostly Rakhine Buddhists, have now been arrested in connection with the violence. Two members of the Rakhine Nationalities Development Party (RNDP) were also arrested in connection with the violence, including the party's township chairman. However, only one, a Muslim man, appears to have been charged at this point.

7. As with other waves of anti-Muslim violence in Lashio, Shan State and Meiktila, Mandalay Region earlier this year, the ^{local} police response to the violence is of concern. ^{however} The police were ^{still} ill-prepared and ill-equipped to address the communal violence, despite ample warning of rising tensions. It appears the police did not adequately follow-up on reports they received regarding threats to Muslim's life and property ahead of the incidents, and too few police officers were deployed during the violence to be effective and provide the necessary protection. Furthermore, OHCHR received reports from the Kaman Muslim community that the police had promised villagers protection while also ^{local} disarming the community, ostensibly for their safety. The police were subsequently unable or unwilling to control violent mobs, which proceeded to kill five Kaman Muslims and set homes on fire. This police action of disarming the community and then failing to protect them has parallels with the 23 October 2012 attack on the Rohingya community in Yan Thei village in Mrauk-U Township, Rakhine State. OHCHR also received some reports which indicated the police may have intentionally failed to stop an assailant from burning down the main mosque. There are no allegations of the police actively participating in the violence, as was reported in past incidents of this kind.


8. This incident again shows the crucial need for the authorities to take firm action in preventing and controlling the spread of the incitement to racial and religious hatred before it escalates into these type of violent incidents, with serious repercussions for the local communities. Furthermore, the inadequate police response, despite ample warning signs, needs to be addressed at the state and central levels of government.

9. Moving forward, it will be essential that an integrated early warning system is put in place at the local and national level to track, analyze and preempt threats to vulnerable communities. At the local level a telephone hotline could, for example, be established for communities to anonymously report threatening activity. It will also be important to ensure that appropriate administrative and legal action is taken against those who incite hatred and violence and intimidate those trying to counter it. In addition, Myanmar's Election Commission should be encouraged to maintain a vigilant watch over political behaviour in the run up to the 2015 elections to ensure parties and their members comply with relevant regulations governing electoral campaigning and international human rights standards *inter alia*, on freedom of expression. Finally, disciplinary action should be taken to address the security force's inaction in responding to threats against the Muslim community. In this context, the diversification of the police force in terms of ensuring there are officers from all religious communities adequately represented would also instill greater public confidence in the security force's ability to respond to the challenges of inter-communal tensions in a non-discriminatory manner. The Government should also urgently lift restrictions on freedom of movement for the Kaman community and provide the Kaman Muslims them with Citizenship Scrutiny Cards.

to you before

10. As I mentioned ~~in my note to you on 27 March 2013~~, it is important for the UN system to have a clear and united position on the human rights situation in Rakhine State. To that end, I still think that placing the issue on the agenda of the Policy Committee would help. ✓✓

11. OHCHR has raised some of its findings already informally with a Government counterpart in Nay Pyi Taw on 8 October, and will continue to monitor the situation closely and bring relevant developments to your attention.


Navi Pillay,
18 October 2013

Cc: Mr. Eliasson
Mr. Nigam
Mr. Nambiar
Ms. Amos
Ms. Clark
Mr. Feltman
Mr. Dieng