

URGENT ACTION

TORTURE FEARS FOR HUNDREDS: ROHINGYA DETAINED

Hundreds of Rohingya have been detained as part of the ongoing security operation in northern Rakhine State, Myanmar. To date, no official information about where the individuals are being held or what they are accused of has been made public. All are at risk of torture and other ill-treatment and of being subjected to unfair trials.

Myanmar authorities have, according to a governmental Investigation Commission, arrested and “taken legal action” against 485 people since 9 October 2016. Among them are village leaders, business owners, religious leaders and Arabic teachers as well as ordinary villagers. In some instances, men failed to return after being summoned to security force headquarters, while others were arrested by state security forces during village sweeps to find suspected assailants and stolen weapons. Relatives have told Amnesty International they do not know where their loved ones are being detained, what they have been charged with or whether they have access to any lawyer. The absence of any information about these detainees for several months raises concerns that they could be victims of enforced disappearance.

Testimonies collected by Amnesty International reveal that some arrests have been accompanied or followed by torture and other ill-treatment. In October, two young Rohingya men from northern Maungdaw Township were beaten by state security forces for 30 minutes before being taken away. In November, soldiers and police officers beat a man from Kyet Yoe Pyin village with rods to get him to disclose the location of suspected militants. A video posted online in December also showed police beat a Rohingya boy during a security sweep. According to state media six people have died in custody since 9 October, including Kalim Ullah, a 58-year-old former UN worker, who died three days after being arrested in Ridar village on 14 October.

Those who speak out about human rights violations in Rakhine State also risk arbitrary arrest and other reprisals.

Please write immediately in English, Burmese or your own language urging the Myanmar authorities to:

- Immediately disclose the fate and whereabouts of all individuals detained during these security operations and ensure that they are treated humanely, allowed effective, prompt and regular access to their family, lawyers of their own choosing and adequate medical care;
- Immediately release all detainees unless they are promptly charged with an internationally recognizable offence. In such cases, ensure all trials meet international standards of fairness, without recourse to the death penalty, and all detainees are transferred to recognized places of detention;
- Undertake independent, impartial and effective investigations into deaths in custody and allegations of torture or other ill-treatment by the security forces. Those suspected to be responsible – including those with command responsibility – should be brought to justice in trials which meet international standards of fairness, without recourse to the death penalty.

PLEASE SEND APPEALS BEFORE 23 FEBRUARY 2017 TO:

Daw Aung San Suu Kyi
State Counsellor
Ministry of Foreign Affairs, Office No. 9
Nay Pyi Taw
Republic of the Union of Myanmar
Fax: + 95 (0) 67412396
Salutation: Your Excellency

Lt. Gen. Kyaw Swe
Minister of Home Affairs
Office No. 10, Nay Pyi Taw
Republic of the Union of Myanmar
Fax: +95 67 412 439
Email: mohamyanmar@gmail.com
Salutation: Dear Minister

And copies to:
Chairman, Myanmar National Human Rights Commission
U Win Mra
27 Pyay Road, Hlaing Township, Yangon
Republic of the Union of Myanmar
Fax: + 95 1 659 668
Email: chmyanmarnhrc@gmail.com

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY KYAW ZWAR MINN, Embassy of the Republic of the Union of Myanmar, 19A Charles Street, London W1J 5DX, General Office 020 7148 0740 / 020 7499 4340, Ambassador's Office 020 7148 0749, ambassadoroffice@myanmarembassy london.com, political@myanmarembassy london.com, generalenquiries@myanmarembassy london.com, salutation: Your Excellency **Please check with your section office if sending appeals after the above date.**

**AMNESTY
INTERNATIONAL**



URGENT ACTION

TORTURE FEARS FOR HUNDREDS ROHINGYA DETAINED

ADDITIONAL INFORMATION

On 9 October 2016 several hundred men, believed to be part of a militant group comprised primarily of individuals from the Rohingya ethnic group, attacked border police outposts in Myanmar's northern Rakhine State, killing six border police and seizing weapons and ammunition. Security forces responded by launching a major security operation, conducting "clearance operations" and sealing the area, effectively barring humanitarian organizations, media and independent human rights monitors from entering.

Since then, Amnesty International has documented a litany of human rights violations against the Rohingya community in northern Rakhine State committed by the security forces – in particular the military. These include unlawful killings and random firing on civilians, arbitrary arrests, torture and other ill-treatment, rape and other crimes of sexual violence, mass destruction of Rohingya buildings, looting of property, and arbitrary confiscation of important identity documents. For further information see Amnesty International report: *"We are at breaking point" - Rohingya: Persecuted in Myanmar, neglected in Bangladesh* (Index: ASA 16/5362/2016), available at: <https://www.amnesty.org/en/documents/asa16/5362/2016/en/>

International law and standards prohibit the arbitrary deprivation of liberty and contain a number of safeguards ensuring detainees' rights to due process and to freedom from torture and other ill-treatment. Among them are: the right to notify family or another third person; the right to legal counsel; the right to medical assistance; the right to be brought promptly before a judge and to challenge the lawfulness of detention; the right to silence and not to incriminate oneself. Denial of the right to communicate with the outside world – that is, holding a person in incommunicado detention – clearly breaches these standards. The UN General Assembly has repeatedly stated that "prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment."

On 1 December 2016, President U Htin Kyaw announced the establishment of the Investigation Commission to probe the attacks on 9 October, and 12 and 13 November 2016, and alleged human rights abuses. The Commission is scheduled to report to the President by 31 January 2017; however, given that its membership includes high ranking former and current military and government personnel, Amnesty International does not consider the Commission capable of carrying out an independent, credible investigation.

The Rohingya are a Muslim ethnic minority who live mainly in Rakhine State which borders Bangladesh. They have faced decades of persecution at the hands of the Myanmar authorities, however their situation has significantly deteriorated since waves of violence between ethnic Rakhine Buddhists and Muslims (mainly Rohingya) swept through Rakhine State in 2012 leading to scores of deaths, mass displacement and the destruction of property. Rohingya's right to freedom of movement is severely restricted, which impacts their ability to access education and healthcare, to practice their religion and access livelihood opportunities.

UA: 10/17 Index: ASA 16/5463/2017 Issue Date: 12 January 2017