

**Testimony before the Senate Foreign Relations Committee
Subcommittee on East Asia, the Pacific, and International
Cybersecurity Policy Hearing
Tun Khin
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Chairman Gardner, Ranking Member Markey, and distinguished members of the Committee, thank you for the opportunity to appear before this committee to testify on the ongoing genocide of the Rohingya people in Burma.

I speak as a survivor of decades-long persecution by the Government of Burma, which is now carrying out a genocide that has long been in the making. My own personal history reflects this story. My extended family experienced first-hand waves of government-orchestrated military attacks and mass violence against unarmed and peaceful communities throughout Rakhine region.

In 1978, my parents, then in their twenties, fled their homeland of Northern Rakhine into Bangladesh during the very first wave of violent mass deportation of the Rohingya community.

In response to this humanitarian crisis, the late Senator Edward Kennedy travelled to Bangladesh and bore witness to the devastating impact of the Burmese military's policies of targeted persecution against the Rohingya. He helped secure vital humanitarian aid for Bangladesh to support the refugee population.

More than a generation has passed and though my father and Senator Kennedy are no longer with us, we continue to live with the policies that have enabled the vicious persecution of the Rohingya people.

In fact, Burma – despite continued promises to the international community to improve the lives of the Rohingya people, to listen to recommendations from the Kofi Annan Commission, to set up its own investigation into abuses – continues to fail the Rohingya community. There is absolutely no political will or desire by the Burmese

authorities to improve the lives of Rohingya.

This is a government and a military that have actively tried to wipe us out as a people for several decades. They continue to deny my community as an ethnic group integral to the Union of Burma, depriving our children any meaningful access to education, denying us access to essential health and other social services, and worse, maintaining conditions that are designed to bring about the eventual destruction of our entire community.

Today, there are far greater numbers of Rohingya people outside of their ancestral homeland of Rakhine State than inside of it. After a widespread, deliberate campaign of egregious violence, there are approximately one million displaced Rohingya people who now live in sub-human conditions in camps in Bangladesh where they are recognized neither as “refugees” nor by their very group identity as “Rohingyas.” They have left behind nearly 400 villages, most of which have been burned and bulldozed and are being primed for commercial development by Daw Aung San Suu Kyi’s NLD government.

With all of the evidence of the last year and a half, the world has caught up with what we have been saying for many years – the only word to describe what is going on is genocide. Mr. Chairman, it is genocide – the intentional destruction of an ethnic community, our Rohingya community – that Burma has commissioned.

Recently at the Free Rohingya Coalition Conference one of the distinguished members of the UN International Fact-Finding Mission and a Yale-trained legal scholar, Professor Radhika Coomaraswamy, asked the question: “Is what happened to the Rohingya genocide? What else could it be?”

An array of organizations – legal, humanitarian, and religious organizations, including a coalition of American Jewish groups – have issued statements calling this a genocide. This is welcome support, but we need to move beyond what civil society globally has widely recognized as Rohingya genocide. We need action from governments

and the international community.

That is why the hearing today is so important. We must stand together and push for change. The international community must do more. “Never again” is a meaningless phrase unless it is backed up with action. The world of conscience must now use all legal tools to address this heinous situation by pursuing international justice mechanisms that will hold the perpetrators of this atrocity accountable.

A powerful action that the United States Senate can take is to re-introduce the Burma Human Rights and Freedom Act and pass it and sign it into law. The legislation addresses the Rohingya refugee crisis from a few different angles. It authorizes humanitarian assistance for Rohingya refugees in Bangladesh. It calls for a safe, dignified, and voluntary repatriation process of Rohingya refugees to Burma and for any repatriation process to be developed with significant input from the Rohingya community. It further calls for the restoration of full citizenship for the Rohingya people.

The legislation also calls for targeted sanctions and visa denials against military officials implicated in human rights abuses, which is very much welcome and needed. While the Treasury Department has sanctioned five military officials and two units, it is yet to sanction the most senior Burmese military officials, including General Min Aung Hlaing and his Deputy, Vice Senior-General Soe Win, who are considered most responsible for the violence. Even though they do not hold assets in your country The United States’ leadership in sanctioning these two individuals would help stop ongoing atrocities taking place in Burma and may well have a “domino effect” on the actions of countries in holding Burma accountable. It is also no coincidence that at least four of the five military officials sanctioned thus far have been quietly retired from the Burmese military. The Burmese military has also started hiding their patches that identify their battalion command for fear of international condemnation. It demonstrates that the Burmese military is taking notice of US action and underscores that accountability starts at the top of the military command. It is also important that the United States targets military-linked companies and

entities as the European Union is already considering doing.

But, Mr. Chairman, both civilian ministries and the security ministries have for decades been engaged in policies of genocidal persecution. Therefore, we must address larger issues of justice and accountability. For example, the United Nations Fact-Finding Mission (FFM) stressed that NLD Government is complicit in the genocide due to their crimes of omission and other acts of dismissal of genocide findings. The appointment of Nicholas Koumjian as head of the Independent Investigative Mechanism for Myanmar is a positive step and the United States should continue to support and fund the mechanism. The United States should also support international justice mechanisms that are impartial, credible, and independent including the establishment of a new ad-hoc international criminal tribunal in whatever way possible.

The international community should be fully conscious that since 2012, the Burmese military and Daw Aung San Suu Kyi have established eight inquiry commissions with the clear objective of bleaching the crimes of the Burmese state against the Rohingya people and to exonerate the Burmese state. None of the commissions have been proven credible. Burma's judicial system does not have the will or the capacity for trying war crimes, crimes against humanity and genocide, the three gravest crimes which the UN FFM has officially said are being committed in Burma in Rakhine, Shan and Kachin states. Criminal accountability is only one tool for justice, and it cannot wholly reverse the damage done, but it can make break the entrenched cycle of violations.

The international community must also address citizenship and repatriation with full rights. At present, China has helped to draw up a plan where no single Rohingya is prepared to return to Burma voluntarily. This is not acceptable. For forty years, we have been promised safety by the Burmese government, only to be slaughtered and violently deported subsequent to our return. As in the cases of Tibet and Uyghurs, China has been an evil force in our oppression. China protects Burmese perpetrators instead of standing up for the Rohingya people.

I also understand that there is a genuine interest throughout the US Government to protect Burma's fragile democratic transition. But there is no such thing as a democratic transition under the current conditions. The UN Special Rapporteur on the human rights situation in Myanmar, Professor Yanghee Lee, has reiterated a widely shared observation: that no democracy can emerge under the Constitution of 2008, which was drawn up by the military to keep itself in power. The Burmese military has never relinquished levers of state power: they have only allowed the civilian façade of Daw Aung San Suu Kyi and NLD to emerge.

Burma's non-existent democratic progress must not be pursued or supported at the expense of several million Rohingya people, whether they are in Burma, in refugee camps in Bangladesh, or in the diaspora.

Mr. Chairman, I call on the US Congress to recalibrate its policies towards Burma by focusing on finding ways to address the root cause of our decades-long suffering. It is important that Rohingya voices are included in finding effective pathways to end the ongoing genocide of our people. This also includes the crimes the Burmese military is committing in Shan and Kachin states against other ethnic brethren there.

Finally, the US Government should use its influence to prevent its humanitarian and strategic partners of India and Bangladesh to treat Rohingyas as survivors of atrocity crimes. India must stop all attempts to deport Rohingya refugees back to Northern Rakhine State. Bangladesh should also be requested to halt its plan to relocate 100,000 Rohingya survivors to the remote island of Bhasan Char, which the UN and other experts have widely considered unfit and unsafe for human life.

In closing, the US government and the international community must act now. We are grateful for the efforts of US lawmakers, as exemplified by last year's Burma Human Rights and Freedom Act. I urge you to reintroduce it and pass it and to work with the Rohingya

diaspora and the survivors in the camps to ensure the protection of the Rohingya people.

Thank you for your time.