

URGENT ACTION

STILL NO INFORMATION ON HUNDREDS MISSING ROHINGYA

Four months after the launch of major security operations in Myanmar's northern Rakhine State, the fate and whereabouts of hundreds of detained Rohingya are still unknown. Amnesty International considers them as victims of enforced disappearances, and are at risk of torture and other ill-treatment and of being subjected to unfair trials.

No official information has yet been released about the charges or location of the hundreds of people that Myanmar authorities claim to have arrested and "taken legal action" against since 9 October 2016. The UN Special Rapporteur on the situation of human rights in Myanmar said on 20 January 2017 that only one detainee that she met had received any legal representation or knew of the charges laid against them. She recounted that most of the families, of those who had been arrested or detained, had not been provided with any information about the fate of their loved ones.

The absence of any information about individuals missing for several months raises ongoing concerns about disappearances, torture and other ill-treatment. Myanmar state media reported on 3 February 2017 that a man, who had been detained in connection with the 9 October 2016 attacks, had died in custody while receiving treatment for an "inflammation of the stomach". While at least another six people who were arrested as part of ongoing security operations have also died in custody, Amnesty International is not aware of any independent investigations into these deaths.

Following international pressure, Myanmar authorities have established a number of commissions to investigate alleged human rights violations committed during the security operations in northern Rakhine State. However due to several factors, including membership, none can be considered to be independent or impartial.

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

- Immediately disclose the fate and whereabouts of all individuals detained during the security operations in northern Rakhine State 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 29 MARCH 2017 TO:

Lt. Gen. Kyaw Swe
Ministry 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

Police Brigadier-General
Thura San Lwin
Head of the Border Guard Police Force
Border Guard Police Force Headquarters
Maungdaw District
Republic of the Union of Myanmar
Salutation: Dear Sir

And copies 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

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 10/17. Further information:

<https://www.amnesty.org/en/documents/asa16/5463/2017/en/>

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ADDITIONAL INFORMATION

On 9 October 2016, unknown assailants attacked border police outposts in Myanmar's northern Rakhine State, killing nine 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 documented wide-ranging human rights violations against the Rohingya 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/>

The precise number of people arrested as part of security operations is unknown. In December, state media claimed that 575 people had been arrested, however in an interim report in January, a government investigation commission reduced that number to 485. A report issued on 3 February 2017 by the UN Office of the High Commission for Human Rights (OHCHR) stated that, out of the 205 people they had interviewed, 45% reported to have a family member missing after they were taken away by Myanmar security forces. The OHCHR report also found corroborating testimonies to Amnesty International that some arrests have been accompanied by torture and other ill-treatment. The report also raised concerns about enforced disappearances (See <http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf> for the full report).

Enforced disappearances are a violation of international law. An enforced disappearance typically occurs when state agents arrest or abduct a person but then refuse to acknowledge the deprivation of liberty or conceal the fate or whereabouts of the disappeared person, placing him or her outside the protection of the law. Once out of the public eye, individuals subjected to enforced disappearance are at great risk of torture, other ill-treatment, and death.

On 1 December 2016, President Htin Kyaw established a commission to investigate the 9 October 2017 attacks and their aftermath. The commission is comprised of former and current government and security force officials and has, in its interim report, claimed to have found insufficient evidence of abuse. Its final report, due initially to be published on 31 January, has been postponed indefinitely. On 9 February 2017 the Myanmar Army formed its own investigation team, mostly comprising of Myanmar Army personnel, to investigate whether it had committed human rights violations during operations. In addition, the Ministry of Home Affairs established a departmental enquiry on 11 February 2017 to look into whether the police forces have committed human rights violations during their area clearance operations.

Name: Rohingyas detained during security operations
Gender m/f: both

Further Information UA: 10/17 Index: ASA 16/5689/2017 Issue Date: 15 February 2017