

URGENT ACTION

DETAINED ROHINGYA CHILD DIES IN CUSTODY

The confirmed death in custody of a child detained in November 2016 in northern Rakhine State as part of “clearance operations” increases fears for the safety of hundreds of detained Rohingya men and boys. All remain at risk of torture and other ill-treatment and of being subjected to unfair trials.

On 5 June 2017, the Office of Myanmar’s State Counsellor released a statement announcing that **Mammud Rawphi**, aged between 13 and 15, died on 2 February “while receiving medical care for inflammation of the stomach”. He had been detained at the Border Guard Police Camp 3 since his arrest on 12 November 2016. His death brings to eight the total reported deaths in custody of men and boys who had been detained as part of military clearance operations in northern Rakhine State. While an investigation has been initiated in at least one of these deaths, the outcome has not yet been made public.

According to the State Counsellor’s Office, five children are currently detained at the Border Guard Police Camp 3 while their trials for murder, for being a member of an unlawful association and other offences is ongoing at a juvenile court. In addition, credible sources report that at least six other children arrested during clearance operations are being held in Buthidaung prison in Rakhine State. There are concerns that they are being tried in an adult rather than juvenile court.

The children are among hundreds of people that Myanmar authorities claim to have arrested and “taken legal action” against since 9 October 2016, when suspected Rohingya militants launched fatal attacks on three border police posts. To date, no official information has been released about their identity, the exact charges they face and their location. All are at risk of torture and other ill-treatment and of being subjected to unfair, including secret, trials and some appear to be victims of enforced disappearances.

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 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. Where children have been charged with an internationally recognizable offence, release them into the custody of their parent or guardian while their trials are ongoing;
- Undertake independent, impartial and effective investigations into deaths in custody and allegations of torture or other ill-treatment by the security forces and bring all those suspected to be responsible to justice in trials which meet international standards of fairness, without recourse to the death penalty.

PLEASE SEND APPEALS BEFORE 3 AUGUST 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 Brigadier-General

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.

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

<https://www.amnesty.org/en/documents/asa16/5689/2017/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. Amnesty International documented wide-ranging human rights violations against the Rohingya committed by the security forces during the clearance operations. 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. 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 January, a government investigation commission claimed 485 individuals had been arrested as part of the "clearance operations". However, on 19 February, state media claimed that 585 people had been arrested, among whom 39 are "facing trial for killing people, destroying public property and communicating with illegal organizations" while the others remain under investigation. In her oral update to the Human Rights Council in June 2017, the Special Rapporteur on the situation of human rights in Myanmar raised concern over detained children in northern Rakhine State and urged the government to investigate the death in custody of Mammud Rawphi.

As a state party to the Convention on the Rights of the Child, Myanmar has a legal obligation to ensure that no child is deprived of his or her liberty arbitrarily. Under the Convention, Myanmar must ensure that the arrest, detention or imprisonment of children is used only as a measure of last resort and for the shortest appropriate period of time, and are treated with humanity and in a manner which takes in to account their age. Myanmar must also ensure arrested, detained or imprisoned children have access to legal assistance and are able to maintain contact with their family.

Under international human rights standards, when people are deprived of their liberty, responsibility for their fate rests with the detaining authorities, who must guarantee the physical integrity of each detainee. When a person dies in custody, a prompt, impartial independent investigation must be conducted regardless of the presumed cause of death. State responsibility for deaths in custody arises not only when state actors perpetrate abuses on prisoners that result in death, but also when the state does not respect its positive obligation to protect the rights of detainees, for instance when prisoners die from poor prison conditions or a lack of medical treatment. The UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions call on states to conduct "thorough, prompt and impartial investigations" into suspected unnatural deaths. Such investigations should collect evidence, conduct an autopsy and collect witness statements to ascertain the cause, manner and time of death and ensure those responsible are held accountable. The results and methodology should be public.

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

Further Information UA: 10/17 Index: ASA 16/6569/2017 Issue Date: 22 June 2017