

Mandate of the Special Rapporteur on the situation of human rights in Myanmar

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(Please use this reference in your reply)

21 August 2024

Mr. Twan Mrat Naing,

I address you in my capacity as Special Rapporteur on the situation of human rights in Myanmar, pursuant to Human Rights Council resolution 55/20.

In this connection, I would like to bring to your attention information I have received concerning **allegations of grave human rights abuses committed against Rohingya people by Arakan Army forces under your command, and the imminent and ongoing risks to Rohingya lives and safety as a result of the ongoing military campaign of the Arakan Army in Rakhine State.**

According to the information received:

Since November 2023, the Arakan Army (AA) has been carrying out a military campaign to expel State Administration Council (SAC) forces from Rakhine State. In recent months, the AA has captured towns and military bases throughout the state. Nearly all of northern Rakhine State and the border with Bangladesh is now under the control of the Arakan Army. The Arakan Army now appears poised to engage SAC forces in Sittwe and the military's western regional military command, which also raises ongoing concerns about the imminent risks to the safety and security of Rohingya in those areas.

Since November, fighting between the SAC and the AA has led to destruction and displacement throughout Rakhine State, impacting all populations, including Rakhine and Rohingya as well as other ethnic minorities in the region. I have received credible information that the SAC has committed grave human rights violations against civilian populations that likely constitute crimes against humanity and war crimes. Additionally, the SAC has deliberately stoked animosity between ethnic Rakhine and Rohingya populations in Rakhine State, including by forcibly recruiting and training thousands of Rohingya men and deploying them to the frontlines of the fight against the Arakan Army. Some Rohingya militant groups have allied with the SAC and carried out arson attacks on ethnic Rakhine villages and neighborhoods.

The active participation of Rohingya recruits and militant groups in fighting in northern Rakhine State has increased tensions between Rakhine and Rohingya communities. Discriminatory speech and misinformation concerning the Rohingya, including from AA leaders, has further stoked these tensions.

There are also credible reports that AA forces are committing serious human rights abuses against the Rohingya population in northern Rakhine State. This includes the targeting of Rohingya villages and Rohingya wards of larger towns with heavy artillery or drones, resulting in civilian deaths. Schools,

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hospitals, houses, and other civilian structures where displaced Rohingya have been sheltering have been struck in these attacks. AA units have often operated out of Rohingya villages, putting Rohingya civilians at risk from junta shelling, airstrikes, and ground attacks. AA soldiers have reportedly carried out killings of Rohingya civilians. Rohingya civilians have reportedly been abducted, detained, and tortured by the Arakan Army. The whereabouts of many detained Rohingya remain unknown. The AA has forced Rohingya men to join its ranks, deploying them in combat against junta forces.

Arakan Army units are also reportedly operating out of Rohingya villages, putting Rohingya civilians at risk from junta shelling, airstrikes, and ground attacks. Arakan Army soldiers have also reportedly carried out mass killings of Rohingya civilians. Rohingya are reportedly being abducted, detained, and tortured by the Arakan Army. The whereabouts of many detained Rohingya remain unknown. There are also credible allegations that the Arakan Army has forcibly recruited Rohingya men and deployed them in combat against junta forces.

Eyewitness accounts and analysis of satellite imagery implicate the AA in widespread arson attacks targeting Rohingya villages and wards in Buthidaung Township in April and May 2024. Dozens of villages were destroyed in areas controlled by the AA as it advanced toward Buthidaung town in April 2024.

On 17 May 2024, AA troops entered Buthidaung town and reportedly ordered Rohingya residents to evacuate by the following morning. However, that evening, before many residents were able to leave, AA forces burned Rohingya-populated areas of the town. AA soldiers shelled Rohingya wards, fired on residents as they fled, and set alight homes with inhabitants still inside. Eyewitnesses reported seeing hundreds of dead bodies as they fled the town on 17 May. An estimated 70,000 people were displaced by the Arakan Army's attack on Buthidaung town.

Following the fall of Buthidaung, the AA increased attacks in Maungdaw township, capturing many SAC bases. In mid-June, the AA ordered civilians to evacuate Maungdaw town in advance of an attack on junta forces based there. Rohingya residents of Maungdaw, with the Arakan Army encircling the town and facing movement restrictions imposed by the SAC, had nowhere to go. On 6 August 2024, up to 200 Rohingya civilians were killed in an area west of Maungdaw near the Naf River where they sheltered in an attempt to avoid drone strikes by the AA. Rohingya eyewitnesses alleged that the attack involved drones that came from the direction of AA positions. AA spokespersons in public statements denied responsibility for the attack, which they blamed on SAC forces.

Tens of thousands of Rohingya civilians have been displaced by fighting, attacks on civilians, and arson attacks in northern Rakhine State. The AA has relocated some displaced Rohingya to areas away from the front lines of the conflict. Displaced Rohingya in areas controlled by the AA reportedly face restrictions on their movement. AA soldiers have looted and occupied the homes of displaced Rohingya. These people remain displaced without known access to humanitarian assistance and reportedly face lack of access to food and clean water. To my knowledge, the AA has yet to articulate a plan to

return these people to their homes.

While I do not wish to prejudge the accuracy of these allegations, I am particularly concerned about the reports of ongoing grave human rights abuses by AA forces and request that you take all available measures to ensure the safety and human rights of Rohingya people in Rakhine State.

I would like to take this opportunity to remind you that the Arakan Army is obliged to conduct itself in accordance with international humanitarian law and international human rights law and has the responsibility to ensure that its forces not engage in acts that would violate international law, including indiscriminate attacks, killings, arbitrary detention, torture, and destruction of civilian property. I also urge you to engage with domestic and international actors, including civil society and humanitarian organizations, to facilitate the delivery of life-saving aid to Rohingya civilians in Rakhine State.

If the reports received are accurate, at least some AA forces have likely violated international humanitarian law and may have committed acts that constitute crimes against humanity and war crimes and abuses of international human rights. I urge you to take immediate steps to ensure that the perpetrators of such acts are held accountable. To this end, I urge you to cooperate with international efforts to document potential crimes in Myanmar.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, I would appreciate a response on the initial steps taken to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. The situation of human rights in Rakhine State and the position of the Arakan Army regarding accountability for human rights violations.
3. The United League of Arakan / Arakan Army's position regarding the rights of the Rohingya, including the right to citizenship.
4. Alleged abuses against Rohingya civilians by members of the Arakan Army, including killings and arson attacks.
5. Alleged abuses against Rakhine and Rohingya civilians by the Myanmar military.
6. The United League of Arakan / Arakan Army's position on cooperation with international efforts to document crimes in Rakhine State and to hold perpetrators accountable.

7. The current humanitarian situation in Rakhine State, including the displacement and humanitarian needs of Rakhine and Rohingya populations.
8. The United League of Arakan / Arakan Army's position on cooperation with international humanitarian relief efforts.

I would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from you will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

I may publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that I have been in contact with you to clarify the issue/s in question.

Yours sincerely,

Thomas Andrews

Special Rapporteur on the situation of human rights in Myanmar