

Witness Testimony: Chris Lewa

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 December 3, 2007 Mr. Chair, Honorable Commissioners, ladies and gentlemen, I would like to thank you for inviting me before this commission. Having worked with ethnic people from Burma and, more specifically with the Rohingya minority for the last 7 years, I am honored to offer a testimony today. Arakan State of Burma is by far the most tense and explosive region of the country. The refugee outflows to Bangladesh in 1978 and again in 1991/92, each of about 250,000 Rohingya, did not result from counter-insurgency strategies as it is the case along the Thai-Burma border, but is the direct outcome of policies of discrimination, oppression and exclusion against the Rohingya population. The Rohingya Muslims are a minority group estimated at about 800,000 in the northern part of Arakan State adjacent to Bangladesh. They are ethnically and religiously related to the Chittagonians of southern Bangladesh. They have been rendered stateless, officially on the basis of their ethnicity. The 1982 Citizenship Law deprived them of legal status because they do not feature among the 135 national races which had settled in Burma prior to 1823, the start of the British colonisation of Arakan. There is no doubt that their religious identity plays a preponderant factor in the discrimination they are subject to. In 1998, in response to UNHCR, the then Secretary-1 wrote, "these people are not originally from Myanmar" [...] "they are racially, ethnically, culturally different from the other national races in our country. Their language as well as religion is also different". Communal tensions are prevalent between Muslim and Buddhist communities in Arakan and such violence has been exacerbated by the divide-and-rule tactics of the military regime, denying all rights to the Muslim population while posing as protectors of the Buddhist community. However, during the recent protests in Sittwe, Muslims did join the monks' processions. As non-citizens, the Rohingya do not have freedom of movement. They need permission to go from one village to another and they are prohibited from traveling beyond the 3 townships of North Arakan. These restrictions seriously limit their access to employment, markets as well as health care and education facilities. Chronic malnutrition peaks at 60% and illiteracy rate at 80%. They are also barred from the civil service. They need to obtain permission to marry and their lands are confiscated to establish model villages for resettling of poor Buddhist families from other parts of Burma. The Rohingya are compelled to live in a state of poverty and deliberate underdevelopment, facing oppression and discrimination and without any legal status. Therefore they have only their Muslim faith to turn to for spiritual support and violations of their religious freedoms have been particularly resented. More specifically, their rights to practice their religion have been abused in the following ways: 1. Forcible closure of mosques and madrasahs In July and August 2006, the Burmese authorities ordered the closure of a large number of mosques and madrasahs throughout North Arakan. The reasons stated were either that these mosques had been built or renovated without official permission or that the mosque committee could not provide evidence of the origin of their funds. In North Buthidaung, 8 mosques were issued notice to close down in mid-2006 and, at the end of 2006, another 17 mosques, madrasahs and makhtabs were ordered to be destroyed. The first 8 mosques were demolished by local Muslim villagers on the order of the NaSaKa (border security forces) and when the villagers refused to do so for fear of God, the NaSaKa destroyed them themselves. One of these 8 mosques was later reconstructed with original building materials after the mosque committee had launched a petition campaign and paid a large bribe to the authorities. The 17 other religious establishments were finally saved from destruction, except for a big mosque in Goat Pi. To date, two of them, one in Krin Tha Mar and one in Ba Da Gar still remained closed. The NaSaKa locked them and arrested two members of the mosque committee in each village. In Rathedaung Township and South Maungdaw, the authorities also locked several mosques and madrasahs, at least three in February and March 2007 (in Du Chee Yar Tan, Thinn Baw Kway and Gaw Dhu Thar Ya). Although these were small mosques used for Namaj (the 5 daily prayers) and their closure did not affect the Friday congregation for Jumma prayer, children had to stop their Koranic education. Some mosques and madrasahs previously ordered for closure or destruction have now been re-opened but only after large bribes were paid to the authorities. 2. Prohibition to erect new mosques and to repair existing ones The Rohingya are not allowed to build new mosques or madrasahs nor to extend or repair existing religious buildings. As a result, many mosques are left in a state of dilapidation. In Buthidaung, no mosque received permission for repair work this year, not even to replace a damaged beam. In Maungdaw, some mosques received verbal permission for maintenance against the payment of a high bribe but, as soon as the officer who gave this verbal permission was transferred, rehabilitation had to be stopped. Since February 2007, the NaSaKa as well as Immigration and the Religious Affairs Department have started a survey of all mosques and madrasahs in villages of North Arakan. The mosque committee had to pay 50,000 Kyat each (US\$50) to cover the costs of the survey. The surveyors listed the size of each building, construction materials used, the number of ablution pools, etc. and took photographs of the religious buildings. Then they hung a board at each mosque with all these details so that any subsequent verification could immediately identify any modification and renovation to the building. During the survey exercise, the NaSaKa extorted large sums of money. [For example, the mosque committee of Du Chee Yar Tan had to pay 5 million Kyat (US\$5,000) in March for repairing a wall, the committee of one of the madrasahs in Maung Hna Ma also paid 5 million Kyat for replacing several wooden posts eaten by vermin.] 3. Detention for repairing religious buildings without permission According to our latest findings, in Buthidaung North, at least 10 people, including 2 religious clerics, and in Maungdaw South 4 people are currently jailed for renovating a mosque or a madrasah without official permission. They have been charged under the 1950 Emergency Provisions Act, Section 5 (j), for "affecting the morality or conduct of the public or a group of people in a way that would undermine the security of the Union or the restoration of law and order" and sentenced for 1 to 2 years. [Most political prisoners in Burma are charged under the same law which has also been used against Rohingya people who have overstayed their travel permit.] 4. Disturbance during religious celebrations Although demonstrations and protests did not spread to North Arakan, the Burmese authorities recently implemented new restrictive measures against any religious congregation, including Muslims who now face difficulties to

assemble for the Jumma prayer on Fridays. During Qurbani Eid celebrations, Rohingya must obtain permission to slaughter sacrificial cows and to delete the animal from their cattle list, which they have to pay for either in cash or in meat. Moreover, Muslims are compelled to hand over the skin of the sacrificial cow to the NaSaKa when religious traditions principles dictate it should only be donated to orphans and the very poor.⁵ Forced labour As opposed to the rest of Burma, in Northern Arakan State, non-Muslims are usually exempt from this duty. Muslims are forced to build pagodas and Buddhist monasteries, in particular for the construction of 'model villages'.⁶ Marriage permission Rohingya couples need to obtain a permission to marry and, if they marry unofficially (a religious wedding is not considered as an official marriage), they are at risk of being arrested and jailed. These measures are only imposed on Rohingya Muslims and only in North Arakan. Muslim men, with the exception of religious leaders, must shave their beard to be allowed to marry and couples need to sign a declaration they won't have more than 2 children. These are two new regulations imposed since October 2005. Recommendations The resentment spread by these policies combined with sheer poverty are conducive to radicalisation. They have also lead to the continuous movements of Rohingya out of Burma to Bangladesh as well as through Bangladesh by boat to Thailand and Malaysia, thus becoming a regional problem. Therefore, U.S. policy makers should consider the unique situation of the Rohingya in formulating U.S. policy to promote human rights. International humanitarian agencies are providing essential assistance and emergency relief in North Arakan. Direct aid delivery is necessary to alleviate the impact of such policies but agencies such as the World Food Program do not have enough funding to feed up to 50% of the extremely vulnerable families. The U.S. government should provide more financial support for humanitarian action inside Burma, particularly for the UNHCR and the WFP. The U.S. has generously resettled a large number of Burmese refugees from Thailand and Malaysia. Unfortunately, the Rohingya have been excluded from the U.S. resettlement programs so far. Resettling Rohingya refugees from Bangladesh and Malaysia should be considered as a durable humanitarian solution promoted by the U.S.