**UN releases full text of Yanghee Lee's end of mission statement**

By

[Mizzima](http://www.mizzima.com/author/mizzima)

On Saturday, 21 January 2017

Facebook Tweet Google +0  0  0

*Yanghee Lee (R), the United Nations (UN) Special Rapporteur on the situation of human rights in Myanmar, visits the Mai Nar KBC camp in Myitkyina, Kachin State, Myanmar, 10 January 2017. Photo: Myitkyina News Journal/EPA*

The United Nations has released Ms Yanghee Lee's end of mission statement following her 12-day visit to Myanmar, a visit with special focus on rights in the Rakhine and Kachin states. Her speech was given at a press conference prior to flying out.

The following is the full text of Lee's speech:

**End of Mission Statement by Special Rapporteur on the situation of human rights in Myanmar**

Yangon, 20 January 2017

Thank you for the opportunity to address you this evening. As you know I have just completed a 12-day visit to Myanmar and have visited parts of Kachin, Rakhine and Mon States as well as Yangon and Nay Pyi Taw. In Kachin, I stayed one night in Myitkyina as I was not allowed to go to Laiza and Hpakant. In Rakhine, I went to Koe Tan Kauk in Rathedaung; Buthidaung prison; and four villages in Maungdaw north. I met with IDPs in Myitkyina , and in Koe Tan Kauk, and Maungdaw, – I also visited Sittwe prison. During this trip, I visited for the first time a hard labour camp, in Mon State. In Nay Pyi Taw, I met with the State Counsellor as well as Government ministers of all the ministries I had asked to meet except for two. One was away and another ministry declined to see me as did the Commander-in-Chief. I also met with the Attorney General, as well as Governmental and Parliamentary Committees.  I will elaborate further on the issues I touch upon in this statement in my report to the Human Rights Council in March. For now, let me share with you my immediate impressions and observations.

There is one word that has hung heavily on my mind during this visit – **reprisals**. In every one of my visits and in every one of my meetings, I ask the Government of Myanmar to ensure that the people I speak to and even work with, do not suffer reprisals for speaking out on rights issues or expressing their opinions. Yet, distressingly several people I met during this visit would say to me, “I don’t know what will happen to me after our meeting.” In one case, an individual directly told me they thought they would be arrested following our conversation. In another village, where there were more than two communities living separately but side by side, I asked if that person was comfortable talking to me. The response: “I am afraid I will not give the right answer.”

I recall during my preparations before arriving, the news broke of a man having been beheaded – his only crime was apparently to have an opinion and to voice that opinion out loud. In fact, we still do not know the full circumstances leading to that man being beheaded. But the message is clear. Do not express yourself. Do not speak your mind if your opinion or position does not fit or support the narrative and agenda of those who have no qualms in how you live or die. Sadly, this is not an isolated incident. Reportedly, there are at least four more cases of beheadings.

Knowing that by talking to directly affected community members, I could in fact place them and their family’s lives at risk. Yet even more distressing is that many of those I speak to tell me they are willing to take the risk – they see speaking out as their only hope for change and want desperately for the rest of the world to be aware of the situation that they are in. As such I feel a greater responsibility to listen and give a voice to potential victims of human rights violations.  It is also a stark indicator that, **whilst there have been positive developments in Myanmar, there is still a long way to go to achieve a society where individuals** are free to share what has happened to them, to speak their mind, and to live peacefully without fear.

I know many of you here want to hear from me about the situation in Rakhine state, and several of these examples are from this state. I will of course get to Rakhine in more detail. However, I want to start, as I started my visit this time, with the **extremely worrying situation in Kachin State**, as well as in the north of **Shan State**. The plight of people in this area is too often overlooked, but sadly, here too, people are suffering and the hope generated by the outcome of the 2015 elections is starting to wane. As you know, for the last three visits I have asked to go to Rakhine, Kachin and northern Shan without fail. Due to time constraints imposed, I made the decision to limit my visit to Kachin and Rakhine.

I pushed hard to go to Laiza and Hpakant. In the past, I had always asked to go to Laiza but access was never granted. My predecessor in his last country visit had gone to Laiza area as had a high-ranking UN official more recently. Yet I was denied access for the fifth time due to security reasons.

I also pushed hard to go to Hpakant. This is a Government-controlled area, but like Laiza, the Government did not confirm or deny access until the last minute. The reasons given for the refusal by the **State government** did not match those given by the Union Government. Furthermore, later that day, I met local interlocutors who had travelled all the way from Hpakant – a 5-6 hour journey to Myitkyina – to share with me their concerns and fears. The explanation I was given by the Government was that, as a ‘special guest,’ the Government was concerned about my security; and as a special guest, I would be apparently particularly targeted.

It is evident that **the situation in Kachin and at the northern borders is deteriorating**. Those in Kachin State tell me that the conditions have deteriorated – that the situation is now worse than at any point in the past few years. Whilst I was not able to travel to the areas most severely affected, the situation is now such that even in Myitkyina, the capital of the state and home to over 300,000 people, residents are afraid – and now stay home after dark.

I have heard that **in active conflict areas the situation is far worse**. I met a family who was displaced from Zai Awng IDP camp after shells fell nearby – they had fled in terror and resorted to digging a hole in the forest to stay in at night for six days whilst they tried to gather the funds needed to escape the area – six days in a hole with four children, the youngest a few months old and another only two. I heard after my visit, that some of those from the Zai Awng camp were displaced for a third time. These people have done nothing wrong, yet they suffer, merely because they live in an area, where others fight. When I raised this case with the State Government, and by state government meaning the military side, the response was again denial – I was told the IDP camp did not exist, as I was told before that in Kutkai there were no IDPs either.

Like I always do during my visits to Myanmar, I made a point of going to several places of detention during this trip; and when I was not allowed access to Laiza and Hpakant, I asked to make a day trip from Yangon to a **hard labour camp** [officially called a production camp] in **Zin Gyaik**, Mon State.  And as I always do in places of detention, I asked to meet those who are being held there in addition to making a site visit and observing the conditions of detention.

Some whom I met at the hard labour camp said they were afraid of what would happen to them after speaking to me. And a few described how they had the previous three days “off” from their usual hard labour work to clean their living and sleeping quarters as a “VIP was coming.” While some of the facilities appeared better than other prisons I have visited, major concerns from that visit to the hard labour camp are the use of **shackles** as a form of additional punishment (**including while working in the quarry**) as well as the lack of transparency and information shared with the prisoners regarding their selection and transfer from another prison to the hard labour camp. I also have a concern about the l**ack of an independent complaint system** for the prisoners at this hard labour camp but unfortunately this is the case in all prison camps in Myanmar.

Besides the hard labour camp, I also visited Insein prison in Yangon, and Buthidaung and Sittwe prisons in Rakhine State. In these prisons, I met prisoners and detainees who were charged (and convicted) for **criticising high-level Government or military officials**, f**or raising human rights issues, for filing court cases against the Government and for not meeting the rules for peaceful assembly in attempts to express their concerns for the Government’s attention**.

 I have received reports that over 40 people are now facing prosecution for defamation under section 66 (d) of the Telecommunications law – many of them merely for speaking their minds. In other meetings, lawyers taking on sensitive cases, reported harassment and even prosecution. I visited a Chin community in Sittwe. This community had raised an issue about limited drainage with their local authority, and in response an adjacent community built a road block at the entrance of the 11 Chin households. For nine months, the main access road for these 11 households was blocked despite complaints brought by the Chin community to the relevant authorities.

In **Rakhine** State, I asked to meet with some of those who had been arrested and detained for allegedly playing a role, active or supporting, in the armed attacks against the security forces in early October and mid-November. Except for one suspect whose family knew that the detainee had rights and sought a lawyer for him, the other prisoners did not have legal representation. They did not seem informed of the charges, if any, against them apart from being aware that they could be suspected of being associated with the attackers against the Border Guard posts on 9 October. Some had not been in communication with their family for the 2-3 months since they had been arrested. I further noted that **their families – were not informed of their arrest or the location of where they were detained causing untold distress for families members**. One suspect was certain that his family would think that he was dead and during my visit to villages in Maungdaw, I met women whose husbands were in their words ‘taken away’ whom they believed would never come back. The prison officials told me that there are **more than 450 individuals detained** in Buthidaung in relation to the attack – meaning many families unaware and uninformed of this detention fearing that they will never see their loved ones again.

What has been said to me over and over by Government representatives regarding the 9 October attacks is that this was not an inter-communal violence or crisis; that this was a calculated attack against the sovereignty of Myanmar and that the Government rightly launched a security response. The Government described to me how the attacks occurred and I saw the three Border Guard posts concerned. I deplore these attacks carried out in a brutal manner and I convey my deepest condolences to the families of those killed.

Whilst authorities are required to respond to such attacks – the response must be carried out within the parameters of the rule of law and in full compliance with human rights. I saw with my own eyes the structures that were burnt down in Wa Peik, and it is hard for me to believe that these are consequent to actions taken in a hurry or haphazardly. I was told by Government officials – as had been reported – that it was the villagers who had burnt down their own houses. And the reason they would burn down their own houses was because these houses were of poor quality; and by burning down their own houses, they can expect to get international actors to come in and help build them better houses. The authorities offered no evidence for this, and I find this argument quite incredible.

Considering the policy of systematic and institutionalized discrimination against the Rohingya with limited access to education and healthcare services – basic services that the international actors have been ready to supply but blocked from providing, it would be quite far-fetched for them to suddenly think that the authorities would allow international actors to help build them better houses. The alternative argument given by the authorities were that this was part of the Rohingya villagers’ propaganda campaign to put the security services in a bad light. Again, I find it quite incredible that these desperate people are willing to burn down their own houses (where they may have lived for generations) to be without a home, potentially displaced, for five years or more like those in Sittwe, just to give the Government a bad name.

I must remind again that these attacks took place within the context of decades of systematic and institutionalized discrimination against the Rohingya population. Desperate individuals take desperate actions. And while such desperate actions in this case are not justified in any way, I do believe if the affected population had felt that the new Government would start addressing their situation and grievances, then extreme elements would not have easily been able to hijack their cause.

When the allegations of human rights violations consequent to the security operations started surfacing, the Government’s immediate response was to deny them. Even when a scientifically-based analysis of the burning and destruction of houses was presented, the immediate response was dismissal. Perhaps some of the portrayal of the situation may have been sensationalized. In fact at least one media outlet had reported that my access was blocked in Rakhine when this was not entirely true. But for the Government to continue being defensive when allegations of serious human rights violations are persistently reported, that is when the Government appears less and less credible. This perception is then reinforced when a video clip of the Myanmar Police personnel beating men – and children – who were rounded up during the security operations went viral. While the authorities may have swiftly responded in this case by arresting some of those captured in the video it highlights the possibility that such treatment of the local population by the security personnel may not be an isolated incident but rather a more common practice.

Over and over it has been said that trust needs to be built between the two communities in Rakhine State; that they need to learn to live together, as they had done for decades before. But I believe another important relationship that requires trust building is the relationship between the people and the Government, **particularly with the security forces in this instance**. By conducting a security operations with seemingly little regard for the rights and dignity of the majority population residing in the affected areas, the **security forces** have further weakened the trust the Muslim population had cautiously put into the new Government. It should not be a surprise, in this context, that many from among the Rohingya population have not welcomed the announcement of the resumption of the citizenship verification exercise and resumption of the issuance of the **Identity Card for National Verification** subsequent to the expiry of the TRC. The timing of this announcement while security operations are still on-going is concerning. Furthermore there has been no progress on the fundamental issues which have plagued previous attempts at conducting a citizenship verification exercise under the 1982 Citizenship law. It is evident that clear, timely and accessible information needs to be provided and further consultation undertaken. A fundamental problem still remains however when individuals who received citizenship in the last verification exercise are still not able to enjoy their rights as citizens. The situation in Myebon, where those granted citizenship remain subject to limitations, is a case in point.

Data and evidence is important here, and in order to assess, evaluate and respond to those needs, we need technical experts to help provide the most feasible response. We cannot make a broad assumption for example that there is no malnutrition in an area as the government-appointed investigation commission did – simply because the conditions for fishing or farming are favourable there. When there are available relevant data which had been obtained through a rigorous method by experts in their field, then the government should consult such data. We cannot simply dismiss data that it does not accept or fully understand.

Humanitarian actors are mandated to use their expertise to help suffering individuals but are currently being prevented from doing so by the Government. In Kachin and Shan States as well as in the north of Rakhine, humanitarian access is worse now than it was when I last visited, with access shrinking month on month and is allowed is subject to ever increasing bureaucratic hurdles. Access is slowly starting to improve in the North of Rakhine state, but it remains mostly limited to national staff, with international staff stuck in towns unable to do their jobs.

**The government’s response to all of these problems seems to currently be to defend, dismiss and deny**. And this response is not only counterproductive but is draining away the hope that had been sweeping the country. But I do believe it is not too late to reverse this trend, and during my visit, I also met many people who are doing their best in very difficult situations. I met groups working tirelessly to bring communities together. I was pleased to see many new public servants growing into their roles despite the constraints of an institutional structure that is far from perfect. Several ministry and local officials were keen to discuss the problems they face and were open to considering new ideas. This sense of openness and adaptability needs to be nurtured and spread.

It pains me to see when talking to the ordinary people of Myanmar during this visit their feelings of optimism and hope slowly fading just after one year when the whole country was elated with the outcome of the last general elections. From my meetings and conversations with the State Counsellor and the various officials, I can see their genuine commitment and dedication in improving the lives of all in Myanmar. Somehow this commitment has yet to translate into real actions that are felt on the ground. I encourage the Government to appeal to all communities in the country to be more open and understanding of each other, to respect each other instead of scapegoating others for the sake of advancing their own self-interests. It would be particularly important for the security forces to always act within the parameters of the rule of law and in compliance with human rights. It would be crucial for the Government to combat the apparent climate of impunity that seem to have emboldened certain extreme elements by taking the law into their own hands and meting out their own justice. There must be accountability and justice must be done and seen to be done to reassure the ordinary people that no one is above the law.

I would like for the Government, the military side including, to be open and accepting of the offer of assistance from other international actors, particularly the UN that always stand ready to support the successful democratic transition of Myanmar. I take this opportunity to thank the Government for its invitation and for maintaining cooperation with my mandate. I particularly would like to note with appreciation the efforts made to ensure my safety and that of my team. I would also like to thank the United Nations Country Team for their support and assistance.

As I have repeatedly said in the past, I stand ready to assist in the journey towards a more free and democratic Myanmar.

- See more at: http://www.mizzima.com/news-domestic/un-releases-full-text-yanghee-lees-end-mission-statement#sthash.DDXuSqMu.dpuf