

November 2, 2017

The Honorable Rex Tillerson
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

The Honorable Steven Mnuchin
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Re: Burma and Targeted Sanctions

Dear Secretaries Tillerson and Mnuchin,

The US government urgently needs to act to help address the grave human rights and humanitarian crisis that has resulted from the Burmese military's brutal response to the Arakan Rohingya Salvation Army (ARSA)'s August 25 attack on government posts in Burma's Rakhine State.

As you know, since late August, Burmese security forces have waged a campaign of ethnic cleansing and committed numerous crimes against humanity against the Rohingya population, a long-persecuted ethnic and religious minority group predominantly in Rakhine State. In response to these abuses, more than 600,000 Rohingya have fled to Bangladesh over the past two months.

Satellite images commissioned by independent organizations show hundreds of burned villages – and tens of thousands of torched buildings. Refugees have provided first-hand accounts of unfathomable brutality: soldiers burning infants alive, gang-raping women, shooting villagers fleeing their homes – violations that research by nongovernmental organizations has found to be widespread and systematic.

United Nations investigators who have conducted interviews of Rohingya refugees in Bangladesh have noted “a consistent, methodical pattern of actions resulting in gross human rights violations affecting hundreds of thousands of people.” The UN High Commissioner for Human Rights, Zeid Ra'ad al Hussein, has called the scale and nature of the atrocities in Rakhine a “textbook example of ethnic cleansing.”

Despite international condemnation, Burmese authorities continue to restrict access to the region for most international humanitarian organizations, a UN fact-finding mission, and independent media. The commander-in-chief of the Burmese military, Senior General Min Aung Hlaing, and other Burmese officials, refuse to acknowledge the atrocities their forces have committed.

We commend the U.S. government for the nearly \$104 million in humanitarian assistance it has provided in fiscal year 2017, nearly \$40 million of which was provided in direct response to the Rakhine State crisis, to displaced populations in Burma and refugees in neighboring countries. We also strongly support the State Department's statement that "individuals or entities responsible for atrocities, including non-state actors and vigilantes, be held accountable."

It is critical that the U.S. government respond to the severity and scope of the Burmese military's ethnic cleansing campaign with effective action. To this end, we urge the administration to immediately and robustly impose targeted economic sanctions authorized under the 2008 JADE Act and the 2016 Global Magnitsky Human Rights Accountability Act.

Under the JADE Act, the president is empowered to issue travel restrictions and financial sanctions against Burmese military officials and their immediate family members if they are "involved in...gross violations of human rights in Burma or in the commission of other human rights abuses." Steps taken by the previous administration to lift sanctions did not unravel existing authorities but only waived them, and, according to recent State Department releases, some JADE Act authorities are currently in use, such as the ban on current and former Burmese military officials traveling to the United States. The administration should move to robustly and vigorously employ the remaining authorities.

In addition to the JADE Act, the administration should exercise its authority granted under the Global Magnitsky Act, which allows for the levying of travel restrictions and financial sanctions against individuals responsible for acts of significant corruption and gross violations of internationally recognized human rights committed against individuals who seek "to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedom of religion." Given that the Burmese military's actions against the Rohingya people are motivated at least in part on religious grounds, the Global Magnitsky Act is applicable.

Given the systemic nature of the crimes being perpetrated against the Rohingya people, it is important that sanctions designations levied under either the JADE Act or Global Magnitsky Act target appropriately senior officials who likely ordered criminal acts or appear to have been criminally responsible as a matter of command responsibility. Command responsibility would encompass those senior-most members of the Burmese security forces who knew or had reason to know that their subordinates were committing extrajudicial killings, rape, arson and other abuses, and failed to take all necessary and reasonable steps to prevent such abuses or punish those responsible.

As you recently said, Secretary Tillerson, "the world cannot just sit idly by and be witness to these atrocities." The JADE Act and Global Magnitsky Act provide the executive branch with tools for action. The United States should employ them to the fullest to prevent dire consequences for Burma's future and send an unmistakable signal to the rest of the world.

Thank you for your attention to this important matter.

Sincerely,

Human Rights Watch
Human Rights First
AFL-CIO
ALTSEAN-Burma
Ameinu (Our People)
Americans for Democracy & Human Rights
in Bahrain
American Jewish Committee
American Jewish World Service
Anti-Defamation League
Association Suisse Birmanie
Boat People SOS
Buddhist Global Relief
Burma Action Ireland
Burma Campaign UK
Burma Human Rights Network
Burma Task Force
Burmese Rohingya Organisation UK
Center for Justice & Accountability
Christian Solidarity Worldwide
Congregation Tehillah
CREDO
Emgage Action
Estonian American National Council
Equal Rights Trust
Fellowship of Reconciliation (FOR-USA)
Freedom House
Friends Committee on National Legislation
Fortify Rights
Global Centre for the Responsibility to
Protect
Global Progressive Hub

Holocaust, Genocide, and Interfaith
Education Center at Manhattan College
Info Birmanie
Institute for Asian Democracy
Interfaith Center of New York
International Campaign for the Rohingya
International State Crime Initiative
Investors Against Genocide
Jacob Blaustein Institute for the
Advancement of Human Rights
JACOB: The Jewish Alliance of Concern
Over Burma
Jewish Council for Public Affairs
Joint Baltic American National Committee
Jubilee Campaign USA Inc
Just Foreign Policy
Magnitsky Act Initiative
Muslim Bar Association of New York
Muslim Public Affairs Council
Partners Relief & Development
Physicians for Human Rights
Refugees International
Society for Threatened Peoples - Germany
STAND: The Student-Led Movement to
End Mass Atrocities
The Network of Chinese Human Rights
Defenders
The Network of Spiritual Progressives
T'ruah: The Rabbinic Call for Human Rights
Unitarian Universalist Service Committee
U.S. Committee for Refugees and
Immigrants
Viet Tan
Win Without War