



# MUSLIM JUDICIAL COUNCIL(SA)



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DEPARTMENT OF INTERNATIONAL RELATIONS AND COOPERATION  
CAPE TOWN, SOUTH AFRICA

HER EXCELLENCY,  
Minister Maite Nkoana-Mashabane

PER HAND  
ELECTRONIC DISSEMINATION

13 SEPTEMBER 2017

**IN RE: MEMORANDUM TO SOUTH AFRICA'S DIRCO AND THE UNION OF MYANMAR ON THE IMMEDIATE CESSATION OF ROHINGYA GENOCIDE**

1. This memorandum is delivered to the Embassy of the Republic of the Union of Myanmar, South Africa by *Protect The Rohingya* and endorsed by the Muslim Judicial Council of South Africa, amongst others civil society, religious, cultural and political organizations and can be accessed electronically at <http://mediareviewnet.com> .
2. We are deeply disturbed and angered by authenticated and credible reports emanating from Myanmar regarding the ongoing ethnic cleansing and genocide of the Rohingya, a minority Muslim ethnic civilian population which includes vulnerable women, children and babies in Rakhine State.
3. Gross human rights violations of the Rohingya have been recorded since 1978. The Rohingya are denied their rights to education, land, freedom of movement, employment and to marry without state permission. They are also subjected to both forced labour and forced sterilization.
4. Since the latest egregious operations carried out by the Myanmar Military on 25 August 2017, it is reported that the brutality of the systematic military clearance operation has caused more than 300 000 Rohingya Muslims to flee to neighbouring Bangladesh, whilst a few hundred thousand remain

internally displaced. More than 40 villages have been intentionally razed and/or burned to the ground as the military implements a scorched earth policy. More than 400 000 Rohingya require urgent humanitarian aid. Already more than 2 000 people have been killed.

5. Amongst the atrocities committed, satellite imagery analysed by Human Rights Watch illustrates hundreds of buildings had been destroyed in at least 17 sites across Rakhine state since 25 August 2017, including some 700 structures that appeared to have been burned down in just the village of Chein Khar Li. Those on the ground have subsequently recorded the burning of more than 40 villages in whole part.
6. The discriminatory 'clearance operations' have caused the destruction of entire villages and constitutes disproportionate force and collective punishment of an innocent and defenseless Rohingya ethnic minority civilian population.
7. We state with extreme concern that the most unconscionable deeds against humankind are being committed. This includes amongst others, forceful seizure of babies from the arms of their mothers, throwing of babies into rivers, live human mutilation execution style shootings and beheadings evidenced by the horrific graphic images emerging. These ghastly acts are being perpetrated against the Rohingya by the Myanmar Military in Rakhine State, aided and abetted by Islamophobic right wing Rakhines and ultranationalist Buddhist monks alike.

## **OUR DEMANDS**

8. We demand the South African Government intervenes and take a decisive stand against Myanmar for these human rights violations which have continued for so many decades by withdrawing our diplomatic staff from Myanmar and to expel the Embassy of the Union of Myanmar from South Africa.
9. We demand the South African Government stops the sale of all weapons to Myanmar which it uses in the brutal annihilation of the Rohingya people.
10. We demand that the Myanmar Government immediately intervenes and takes responsibility for the widespread atrocities that have displaced thousands of Rohingya living in Myanmar that have historically been persecuted.
11. We demand that the Myanmar Government take immediate responsibility and permit the independent United Nations fact - finding mission into Myanmar and more specifically the affected areas to investigate the allegations of mass rape, genocide, war crimes and crimes against humanity. These atrocities are being systemically orchestrated against the Rohingya people since October 2016 and prior thereto.

12. We demand that the continuing ethnic cleansing and genocide of the Rohingya including war crimes and crimes against humanity **cease** immediately.
13. We demand that the perpetrators of ethnic cleansing and genocide must be immediately investigated, arrested and indicted for international war crimes and crimes against humanity.
14. We demand the immediate arrest and prosecution of right wing ultranationalist like the Buddhist monk Ashin Wirathu who spews out Islamophobic hate speech and incites violence which is causally linked to the ethnic cleansing and genocide of the Rohingya.
15. The Myanmar Government must implement whatever measures are necessary for the immediate end to all hostilities and atrocities being perpetrated against the Rohingya people. This must include the recommendations of the Advisory Commission on Rakhine State, led by former UN Secretary General, Mr. Kofi Annan.
16. The Myanmar Government must implement measures for access to proper food security, clean water and sanitation. The Myanmar Government must allow the unhindered access of international humanitarian aid and relief into all the affected areas.
17. The Myanmar Government must immediately allow the United Nations and Human Rights Watch groups as well as independent observers into affected areas with the purpose of protecting the Rohingya and documenting the perpetration of gross violation of human rights.
18. We demand proper and immediate medical care and unhindered access of medical personnel and supplies including international medical rescue and the Red Cross, Doctors Without Borders, Save the Children and similar organizations into all affected areas to provide the necessary urgent services required by the displaced and fleeing Rohingya.
19. We state that the process of rehabilitation from the effects of brutality, ethnic cleansing and genocide, psychological counseling is of paramount importance to ordinary civilians, women and children abused and devastated in conflict areas.
20. We demand that the Rohingya be accorded their fundamental human rights and freedoms. The Myanmar Government including all its organs of state and Military, must adhere to and respect the fundamental human rights of the Rohingya as guaranteed in the United Nations Universal Declaration of Human Rights.

21. Notwithstanding the aforesaid, measures must also be implemented for the immediate and unfettered investigation and prosecution of perpetrators under Myanmar's domestic laws and criminal justice system.
22. The de facto leader of the Myanmar Government, ironically awarded a Nobel Peace Prize, Aung San Suu Kyi must be held criminally responsible and should be investigated. She has now even been shamed by the open letter written to her by the Archbishop Emeritus Desmond Tutu, which no doubt you have seen.
23. We state unequivocally that under her watch the Myanmar military under the leadership of Commander in Chief Min Aung Hlaing supported by ultranationalist Buddhist and right-wing organizations have committed unconscionable deeds such as crimes against humanity, ethnic cleansing and genocide.
24. The respect for international law, international humanitarian law and Geneva conventions must prevail under all circumstances where equality, human dignity, preservation of human life and human rights are paramount.
25. Most importantly there must be an immediate implementation plan towards the recognition of the minority Rohingya as part of the Myanmar people with full recognition of their civil and political rights and a reinstatement of the total citizenship rights of the Rohingya. It is worth noting that a 1978 "Repatriation Agreement" with Bangladesh published by Princeton University in 2014 constitutes evidence that in 1978, Myanmar acknowledged that the Rohingya had legal residence in the country.
26. The Rohingya must be guaranteed freedom to practice their religion, the rights to freely associate, freedom of trade, freedom of movement, education, privacy and all other fundamental rights accorded with equality and human dignity.
27. We demand that systemic discriminatory practices of forced labour and forced sterilisation cease immediately, whereby such practices constitute crimes against humanity.
28. The Myanmar Military in Rakhine State and the ultranationalist Buddhist vigilantes must immediately be held criminally responsible for their most egregious crimes of genocide, war crimes and crimes against humanity perpetrated against the Rohingya.
29. The Myanmar Government and its Military must cease immediately the purchase of "field tested" weapons and arms used on the Rohingya, from the apartheid state of Israel which uses such munitions in the persecution and subjugation of the Palestinian people.

**Endorsed by:**

Protect the Rohingya  
The Muslim Judicial Council of South Africa  
Al Quds Foundation of South Africa  
Media Review Network  
Palestine Solidarity Alliance  
COSATU  
Cape Town Interfaith Initiative  
Western Cape Religious Leaders Forum  
Western Cape Christian Ministers  
Cape Town Islamic Educational Centre  
Madina Institute of South Africa  
Kaaf Human Rights Trust  
Pakistani Community of South Africa  
Workers International Vanguard League  
Islamic Forum of Africa  
An-Nur Islamic Centre  
Bangladeshi Community of South Africa  
TLC Manenberg  
Egyptian Community of South Africa

**Issued by**

**Shaykh Irafaan Abrahams**  
**President**  
**Muslim Judicial Council of South Africa**

**END**