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It is an honor to visit Indonesia in my capacity as the United Nations Special Rapporteur on the situation of human rights in Myanmar.

I would like to extend my sincere thanks to the Government of Indonesia for welcoming me to your country. I was honored to meet with Her Excellency Foreign Minister Retno Marsudi, the Office of the ASEAN Special Envoy on Myanmar, the Directorate General of Immigration under the Ministry of Law and Human Rights, and the National Refugee Task Force. I was also glad to meet with ASEAN Secretary General, the Indonesian representative to the ASEAN Intergovernmental Commission on Human Rights (AICHR), the National Commission on Human Rights (Komnas HAM) and members of Parliament. During my trip, I also had the privilege of visiting Aceh, where I met with Rohingya refugees from Myanmar who arrived on boats from Cox's Bazar in Bangladesh as well as local authorities.

I am also grateful for the human rights defenders, civil society representatives and UN officials who took the time to meet with me and share their valuable perspective on the crisis in Myanmar and its impact on Indonesia and ASEAN's approach to the crisis.

I came to Indonesia because the human rights situation in Myanmar is dire and getting worse, and because I believe that Indonesia is positioned to play a critical role in the resolution of this crisis.

My time in Indonesia has reinforced this view not only because Indonesia is this year's chair of ASEAN, but because of Indonesia's importance in the region and the world. Indonesia is a member of the G20, has the largest population and economy in Southeast Asia, and is an established democracy. Member States of the UN look to Indonesia because it plays a central role in addressing the crisis in Myanmar.

The people of Indonesia know about the challenges and rewards of transitioning from an authoritarian government to a democracy. I was here in 1998, an eyewitness to a powerful moment in Indonesian history. What impressed and inspired me most was the role that young people played in the Reformasi. I watched as they risked all to mobilize students on campuses and in the streets. And I watched as older generations came forward in large numbers to

support them. Their courage and tenacity played a decisive role in ushering in a new era for this great country.

In Myanmar today, just as in Indonesia a generation ago, it is young people who have come forward to lead a national movement for justice, democracy, and freedom. Many of the leaders of this new generation are women. I asked one why she was risking everything for this cause. She explained that during the window of reform that had opened—reform that the junta is now seeking to overturn—she saw what was possible. She could speak freely and was exposed to new ideas and cultures. Most importantly, she dared to hope and dream about a new Myanmar. “My parents and grandparents told me what it was like to live under a military dictatorship,” she explained, “and, I can assure you, we are NOT going back into that darkness!”

Situation in Myanmar

Darkness is a good way to describe conditions in Myanmar today. Since the junta launched its coup:

- More than 3,600 civilians have been killed by the Myanmar military;
- 19,000 political prisoners are behind bars;
- More than 58,000 homes, schools, and clinics have been burned to the ground;
- More than 1.5 million have been displaced from their homes, with hundreds of thousands more displaced across international borders.

As the junta loses control on the ground, it has increasingly taken its attacks to the sky, launching airstrikes on civilian targets, including villages, schools, clinics, and IDP camps. I regularly receive reports of massacres, torture, beheadings, sexual violence, the use of civilians as human shields, and many other grave violations. Things are bad and getting exponentially worse.

I’m worried that the deepening crisis in Myanmar has become invisible to much of the world, that some governments are beginning to think that the junta is inevitable. This narrative is exactly what the junta wants and needs to prevail. I am certain that this was the view of many regarding the Suharto regime before Indonesians proved that there was nothing inevitable at all about it, that a new democratic future was possible.

I believe that the crisis in Myanmar has reached an important inflection point and that it is time the international community reassesses its approach to the crisis. This should begin with the recognition that our current course of action in response to the crisis in Myanmar is simply not working and that a change of course is imperative. This change will require vision and leadership, and I believe that Indonesia is positioned to provide that leadership and help forge a path forward to end the nightmare that life has become for millions in Myanmar.

ASEAN and Indonesia's Chairmanship

As the coup unfolded in Myanmar, Indonesia quickly expressed concern and called for adherence to principles of democracy and constitutional law. Indonesia then pushed for the convening of an emergency ASEAN meeting to address the Myanmar crisis and hosted that meeting here in Jakarta. It was here that the Five-Point Consensus was forged, the first point of which was an immediate cessation of violence in Myanmar. Speaking at the conclusion of the meeting, President Widodo described the situation in Myanmar as “unacceptable” and called for the military to end the use of force, release political prisoners, and restore democracy.

The ink on the Five-Point Consensus was barely dry when Senior General Min Aung Hlaing, who had just agreed to it, returned to Myanmar and cynically dismissed it as mere “suggestions.” Instead of ceasing the violence, as agreed in the Five-Point Consensus, Min Aung Hlaing escalated the violence. Security forces were ordered to open fire on innocent protesters. The death toll began to mount.

From the very beginning, Min Aung Hlaing and the military junta of Myanmar has sought to obstruct and undermine the Five-Point Consensus.

President Widodo has been frank about the status of the Five-Point Consensus, noting that there has been “no significant progress” in implementing the agreement and warning that “ASEAN’s credibility and relevance are at stake” in the body’s response to the crisis. Foreign Minister Retno Marsudi declared, “ASEAN must move forward and not be taken hostage by the situation in Myanmar.”

The junta has been able to maintain its obstruction of the Five-Point Consensus with impunity. President Widodo proposed extended ASEAN’s ban on the junta’s participation in ASEAN meetings be extended beyond the ASEAN Summit and Foreign Ministers’ meeting. Unfortunately, other ASEAN states objected. During its Summit last November, ASEAN leaders called for “further review” of Myanmar’s representation at meetings and the creation of an implementation plan for the Five-Point Consensus linked to “measurable indicators with a specific timeline.” More than six months later, this “further review” has not happened and there has been no progress on the development of this implementation plan.

I am most concerned by Myanmar’s continued participation in formal ASEAN defense meetings. For example, ASEAN has appointed General Tun Aung, Commander in Chief of Myanmar’s Air Force, as the 2023 Chairperson of the ASEAN Air Chiefs’ Conference. This is the very commander who is responsible for attacks on Myanmar villages with jet fighters and helicopter gunships—attacks that are escalating in number and ferocity; attacks that are very likely war crimes. The General is sanctioned by the US, UK, Canada, and the EU. And, last month, the junta’s Commander in Chief of the Navy, Moe Aung, was handed the leadership of the 2024 ASEAN Navy Chiefs’ Meeting. Moe Aung is sanctioned by the EU. The junta continues to co-chair the ASEAN Defense Ministers’ Meeting-Plus (ADMM-Plus) Experts’ Working Group on Counter Terrorism with Russia. Indonesia participates in these meetings.

ASEAN defends this by claiming that these meetings are merely technical and are not in breach of its prohibition on Myanmar political level participation in its meetings. This is not acceptable. The junta should not be invited to attend any ASEAN meeting. At a minimum, ASEAN must not allow Myanmar military personnel to participate in these or any other defense meetings. Indonesia should show leadership, alongside other ASEAN countries and not attend if the invitations to the junta military personnel are not rescinded.

These types of actions not only undermine the credibility of ASEAN but also serve to legitimize the junta and prolong the suffering of the Myanmar people.

I cannot help but have the impression that there are two different time zones when it comes to ASEAN and the crisis in Myanmar: one being the reality of the people of Myanmar who face daily attacks by junta forces and rapidly deteriorating conditions. The other is the world of ASEAN officials who caution that progress could take years, even decades.

The people of Myanmar do not have decades. They need a strong international response to the crisis that is carried out in the same “time zone” as the brutal attacks that they are suffering. They need the leadership necessary to forge an effective, principled, and immediate international response to this crisis. They need the military junta that is holding Myanmar hostage, held accountable.

Indonesia’s effort to advance the Five-Point Consensus through engagement and accountability is facing two principal obstacles: the junta, which continues to refuse to abide by the Five-Point Consensus; and now a group of governments that have just this very week convened a high-level meeting with junta representatives, that can have the dangerous effect of legitimizing the junta and undermining ASEAN unity.

Legitimizing a military junta as it relentlessly attacks its people is a betrayal of the people of Myanmar and a grave mistake. It is time to consider alternative options to break what has become a deadly stalemate. ASEAN must consider measures to impose accountability on the junta for its grave human rights violations and blatant disregard for implementation of the Five-Point Consensus. Even if ASEAN remains deadlocked, I urge Indonesia to reach out to those nations who support the people of Myanmar and engage in coordinated actions that will isolate and degrade the junta’s capacity to attack the people of Myanmar. There are many and I believe that they would stand with Indonesia by deploying the sources of leverage to end the violence.

Humanitarian aid

ASEAN continues to send humanitarian aid to Myanmar through the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (or AHA Centre), which channels aid via the junta. I expressed my concerns to Indonesian and ASEAN officials that the junta is weaponizing aid delivery. The junta systematically denies aid deliveries to displaced populations

and communities in areas controlled by opposition groups. This means that aid does not reach those with the greatest needs.

It is unfathomable to me that in the wake of the devastation of Cyclone Mocha, the junta is, as we speak, preventing humanitarian aid deliveries from reaching people in desperate need in western Myanmar. This despicable act tells you all you need to know about the junta and its priorities. Following its well-worn pattern of weaponizing aid, the junta has revoked travel authorizations for humanitarian actors, including all UN agencies, to Rakhine State and wants relief supplies to be handed over for delivery by junta forces, putting its political priorities above the needs of those impacted by the cyclone.

I urged Indonesia, in its capacity as ASEAN Chair, to consider all available options for getting aid to those with the greatest needs, including internally displaced persons and populations in opposition-controlled areas. By working with local organizations and civil society networks aid can be delivered directly to these communities.

Rohingya Refugees

The Rohingya ethnic Muslim minority are among the most persecuted people on earth. They have no rights in Myanmar, including the right to citizenship, freedom of movement, and even the right to self-identify as Rohingya. The immense suffering of the Rohingya included genocidal attacks in 2016 and 2017 when the Myanmar military, under the command of Senior General Min Aung Hlaing, launched a brutal, relentless assault on Rohingya villages in Rakhine State, sending more than 700,000 over the Bangladesh border.

The Rohingya were not attacked for anything that they had done, but because of who they are and the God they pray to.

More than a million Rohingya are now trying to survive in overcrowded, squalid refugee camps in Bangladesh. But, because international humanitarian support for the Rohingya living in these camps has been steadily declining, conditions in the camps have become increasingly dangerous. Last year, the Rohingya Humanitarian Crisis Joint Response Plan received US\$322 million less than what it needed to provide adequate levels of basic support. As a result, 41 percent of Rohingya children have stunted growth. More than half are anemic as are 40 percent of pregnant and breastfeeding women. In April, the World Food Programme was forced to cut food rations by 17 percent. This month, an additional 20 percent cut was made. Now, the Rohingya in Bangladesh are forced to try and survive on US\$0.27 per day. This has not only meant hunger and malnutrition for Rohingya families, it has also increased tension and violence in the camps.

It should come as no surprise that more than 3,500 Rohingya put their lives into the hands of smugglers to make dangerous sea journeys across the Bay of Bengal and Andaman Sea last year, an increase of 360 percent over the previous year. This year that number is almost certain to

rise. Some of those lucky Rohingya who survived an extremely dangerous journey ended up in Indonesia.

Over the weekend I travelled to the Rohingya refugee camp in Pidie District, Aceh. I was struck by the extreme vulnerability of the refugees with whom I met. Fleeing atrocity crimes in Myanmar, and facing increasingly dire conditions in Bangladesh, they carry with them deep trauma, seeking only a safer, more peaceful life. As one young man told me:

I have no identity. I do not belong anywhere. All I want is to put my feet on some ground and say: "This is my place, I can live in peace here."

In my discussions with the Rohingya, they recounted some of their harrowing experiences at sea. A woman told me that over 20 persons died on her boat and that they had to throw the bodies overboard. Another woman cried as she recalled the lack of food and water, and how she had to give her child seawater to drink. One man recalled several families sharing one single onion to sustain themselves over a number of days.

These accounts were reiterated by the local Acehnese first responders and fishermen. A woman who was working on the beach recalled seeing some refugees come off a boat:

They were so thin, their arms, they were on death's door. It continues to give me chills just thinking about it.

Among the terrors that the Rohingya faced on these journeys, none were more terrible than the widespread sexual violence against women and girls. Some young girls arriving in Aceh were pregnant as a result of rape. There are also reports of young girls on boats being trafficked for the purpose of child marriage, with husbands awaiting them in Malaysia. I noted the absence of clear screening mechanisms for these victims, and the absence of a victim centered human rights framework for potential victims of trafficking. These victims need protection and support.

The Government of Indonesia has taken important steps that have saved lives. Most notably, was the establishment of Presidential Regulation 125, which facilitates the safe disembarkation of Rohingya refugees arriving by sea. The same regulation also ensures Rohingya arriving in Indonesia are not placed in immigration detention centers.

I was inspired by the level of concern and sympathy for the Rohingya that was expressed by many with whom I met. Acehnese fishermen told me about their commitment to fundamental humanitarian principles and their determination to assist all those in distress at sea. I was impressed by Acehnese CSOs working tirelessly to provide support services to the refugees. Some have expanded their programming, including education for children, and worked to cultivate awareness and understanding within the local Acehnese host communities. I was encouraged by health referral systems that are facilitated by local and provincial governments and managed by local health professionals and the International Organization for Migration (IOM). These programs ensure Rohingya receive health screenings on arrival and have access to

basic healthcare. I have also learned of important initiatives by the Indonesian social service authorities that provide support and services to Rohingya women and girls who have faced sexual and gender-based violence on their journeys to Indonesia.

I welcome the cooperation between the central government and other provincial governments and UN agencies, including the IOM, that allow refugees, once processed, to move out of camp settings to IOM supported accommodation sites, where children are entitled to education.

While these are all important initiatives, there remain many challenges for Rohingya refugees in Indonesia. Some refugees are required to remain in their arrival camp for many months. These camps often lack education opportunities for children and adequate facilities to meet complex health needs. Refugees face movement restrictions. I also understand that the limited ability to transfer out of the camp to IOM supported accommodation sites is due to a lack of available accommodation. For those in supported accommodation, I have learned that there is a lack of access to livelihoods and limited access to education. And for fishermen who assist those in distress at sea, a criminalized approach that equates rescue with smuggling is causing Acehnese fishermen to stop saving lives out of fear of being charged and convicted of smuggling offenses.

I am encouraged by the fact that there appears to be political will to improve the situation for the Rohingya. In particular, I have learned there is a process underway to consider revisions to Presidential Regulation 125. I urge the government to use this opportunity to shift away from a criminalized approach towards one that enables fishermen to save lives without fear of arrest. Clear protocols should be established to ensure clarity regarding refugees' access to education and livelihoods, with delineated budgetary allocations from the central government.

There is a need to develop better screening protocols for new arrivals. I urge Indonesia to establish clear screening for trafficking victims and ensure the right of trafficked persons to assistance and protection. I further urge Indonesia to ensure systematic and comprehensive medical and psychosocial support for victims of sexual and gender-based violence. Such efforts would be consistent with Indonesia's obligations under the Palermo Protocol on Trafficking in Persons, which it ratified in 2009, and the ASEAN Convention against Trafficking in Persons of 2015.

It is notable and encouraging that in February of this year the Bali Process Ministerial Conference, which is co-chaired by Indonesia and Australia, reactivated the Consultation Mechanism, which can enable the coordination of search-and-rescue operations, taking boats ashore to the nearest safe port, and providing humanitarian aid to those disembarked. I urge Indonesia to work together with its regional partners to ensure this process becomes the meaningful lifesaving mechanism it was designed to be.

Living conditions for the Rohingya who escaped a genocide in Myanmar remain dire in Bangladesh. While the desire to return to Rakhine State in safety, with dignity and guarantees of human rights, remains strong, regrettably conditions are unlikely to be conducive to return any time soon. The same military that launched the genocidal attacks against the Rohingya in 2016

and 2017 now leads a brutal military junta that is attacking civilian populations and that continues to deny the Rohingya citizenship and other basic rights.

The neglect of Rohingya refugees coupled with the lack of regular migration pathways and other durable solutions has left them with a terrible choice: face hunger and violence in Bangladesh; return to Myanmar to suffer severe restrictions and statelessness and risk further atrocity crimes; or put their lives in the hands of smugglers, risking further human rights abuses including death at sea, for a chance at safety and opportunity.

Responsibility for the security of the Rohingya, as well as their rights to redress as survivors of atrocity crimes, rests primarily with Myanmar. But it also extends to the countries where they seek refuge and to the broader international community.

Indonesia is well placed to play a key global leadership role regarding the Rohingya. At the national level, Indonesia should develop a comprehensive Rohingya preparedness strategy, as more boats will almost certainly be arriving. This will require coordination among regional and local authorities to ensure readily deployable standby capacity and the development of coordination and protection mechanisms.

Building on their strong initiatives to date, Indonesia must also shift its narrative of only being a transit country and develop a rights-based approach that includes hosting Rohingya for the medium and long term.

Indonesia is in a strong position to act as a leader—in the OIC, ASEAN, and beyond—to advocate for durable solutions to the crisis facing the Rohingya. This includes generously contributing to life saving programs and encouraging robust support from others. Last year, only one OIC country out of 57 contributed money to the Rohingya Humanitarian Crisis Joint Response Plan. This must change.

Conclusion

We are at an inflection point in the crisis in Myanmar and the crisis impacting the Rohingya in Myanmar, Bangladesh, and beyond. It is literally a matter of life and death for the international community to reassess its current course of action or, in some cases, inaction and to forge a new path forward with and for those whose lives are at stake. This will require principled leadership, leadership that Indonesia is well placed to provide not only for the region, but the world.

I wish to again thank the Government of Indonesia for inviting me to visit this remarkable country. I look forward to continuing my engagement with you and the community of people and organizations who share a commitment of advancing human rights and justice in Myanmar.

Thank you.