



GENOCIDE ACHIEVED, GENOCIDE CONTINUES:
MYANMAR'S ANNIHILATION OF THE ROHINGYA

Penny Green / Thomas MacManus / Alicia de la Cour Venning

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A group of Rohingya refugees, who had recently arrived in the Bangladesh camp of Kutupalong, waiting for humanitarian assistance, October 2017

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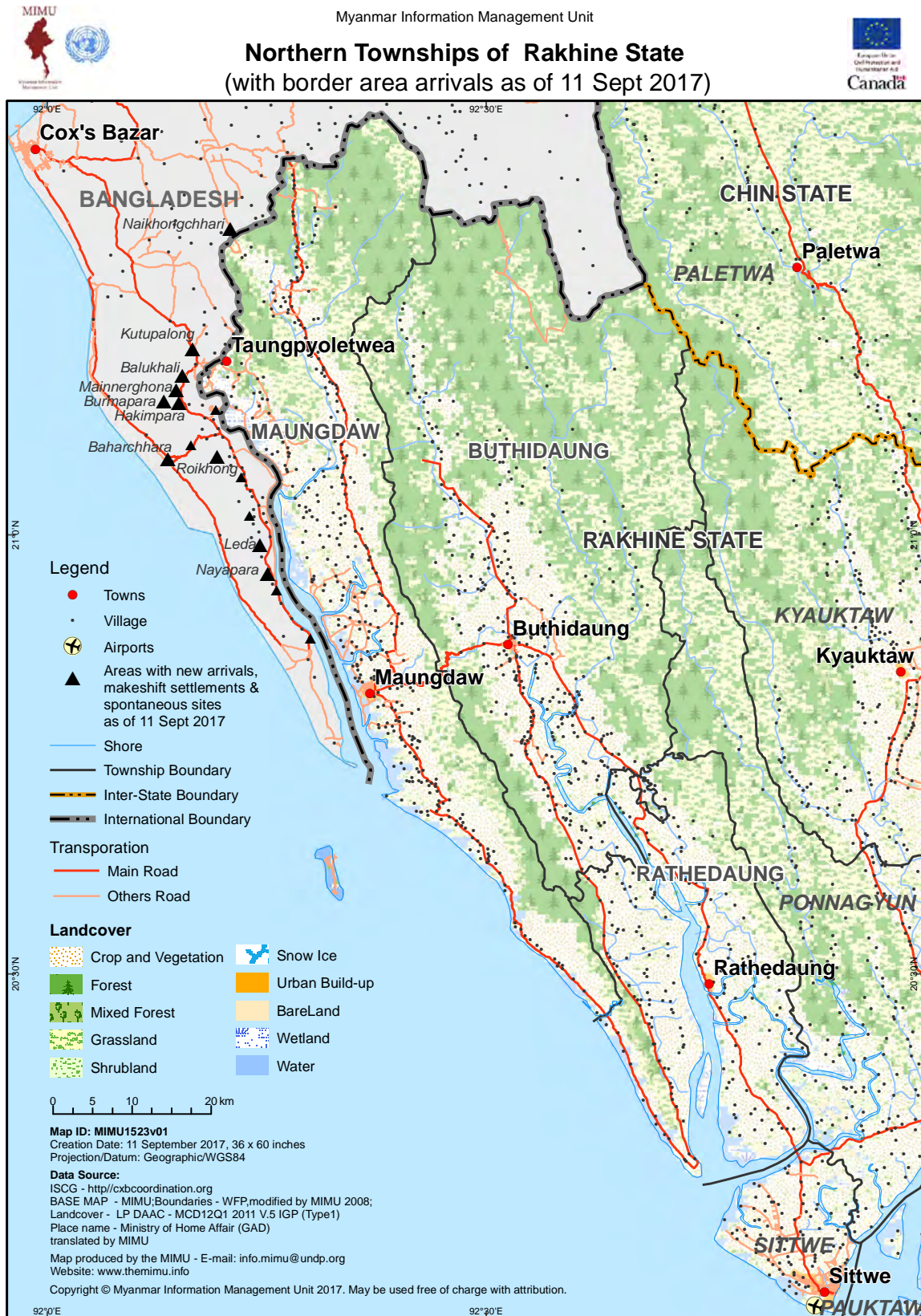
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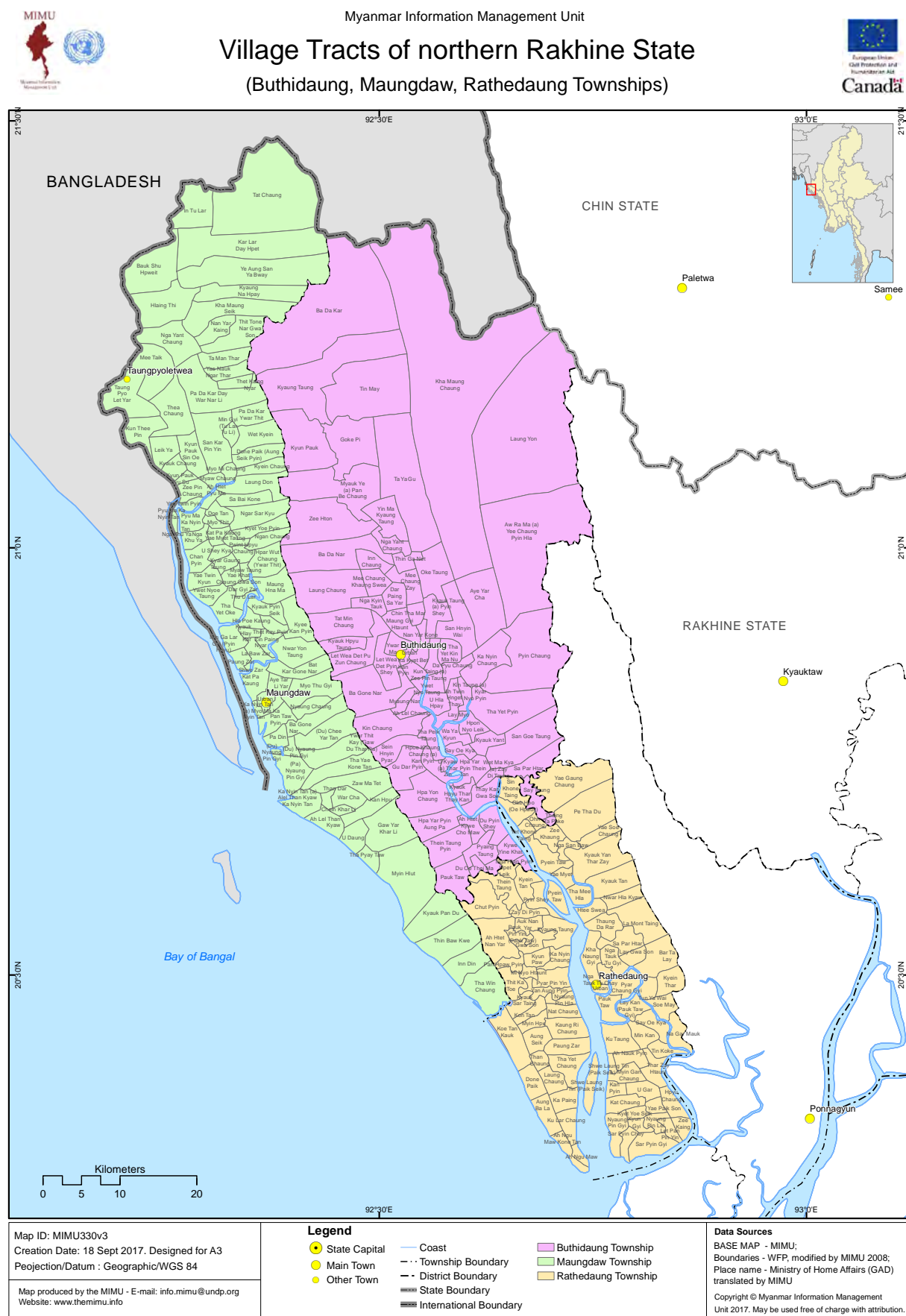
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MAPS





TIMELINE OF GENOCIDE

- 1977-78:** Myanmar Rohingya branded 'illegal Bengalis' and a military offensive forces up to 200,000 Rohingya to flee to Bangladesh. Most return the following year.
- 1982:** Citizenship Act enacted.
- 1989:** Burma renamed Myanmar; Arakan state renamed Rakhine state; new 'citizenship scrutiny' cards issued to Myanmar nationals – most Rohingya are excluded.
- 1990:** National League for Democracy (NLD), led by Aung San Suu Kyi, wins elections. Aung San Suu Kyi placed under house arrest. Candidates from Rohingya parties elected to parliament.
- 1991-92:** Military operation in northern Rakhine state forces up to 250,000 Rohingya to flee to Bangladesh.
- 1992:** Nasaka military/border security force established in northern Rakhine state, notorious for abuses. (October) UNHCR-led forced repatriations start: up to 230,000 Rohingya are repatriated by 1997.
- 1993:** Border Region Immigration Control restricts marriages of Rohingya in Maungdaw township.
- 1994:** Myanmar stops issuing birth certificates to Rohingya children.
- 1995:** Rohingya given Temporary Registration Cards.
- 1997:** Head of Sittwe Immigration Office restricts Rohingya travelling outside their township.
- 2001:** Anti-Muslim riots across the country; many Rohingya displaced. Twenty-eight mosques and Islamic schools destroyed in and around Maungdaw township.
- 2005:** Maungdaw Township Peace and Development Council restricts Rohingya marriages and birth rate.
- 2008:** Rohingya granted Temporary Registration Cards and permitted to vote in widely discredited Myanmar Constitution referendum.
- 2010:** Myanmar elections, Rohingya allowed to vote, Rohingya MP elected. Aung San Suu Kyi released after elections.

GENOCIDE ACHIEVED, GENOCIDE CONTINUES: MYANMAR'S ANNIHILATION OF THE ROHINGYA

- 2012:** (April) Aung San Suu Kyi elected MP. (June and October) Anti-Muslim violence in central and northern Rakhine, curfews imposed throughout Rakhine state. (July): President Thein Sein states the 'solution' to the violence is to expel 'illegal' Rohingya to other countries or camps administered by the UN's refugee agency.
- 2013:** Anti-Muslim violence in Meiktila in central Myanmar.
- 2014:** (March) Rakhine nationalists attack international NGO offices in Sittwe. (April) Rohingya excluded from census. (July) President Thein Sein begins 'citizenship verification' process in Rakhine state, which is abandoned due to civil protests.
- 2015:** (February) Parliament grants temporary white cardholders (mostly Rohingya) the right to vote. Days later the President reverses the decision. (May) Boat crisis in Andaman Sea; UNHCR estimates up to 150,000 Rohingya had fled Myanmar by boat since January 2012. (August) Rohingya representative in northern Rakhine state, U Shwe Maung, is barred from re-election. (November) NLD wins landslide victory in general election. NLD purged all Muslim candidates before election, and Rohingya were barred from voting or standing as candidates.
- 2016:** (April) NLD-led government restarts 'citizenship verification' process in Rakhine state; Aung San Suu Kyi creates and assumes the position of State Councillor, the civilian head of state. (August) Government pays former UN Secretary-General Kofi Annan's foundation an undisclosed sum to run the Advisory Commission on Rakhine State. (9 October) The Arakan Rohingya Salvation Army (ARSA) claim responsibility for attacks in northern Rakhine state; Myanmar army's response forces up to 90,000 Rohingya to flee to Bangladesh.
- 2017:** (March) The UN Human Rights Council establish Fact Finding Mission, which is subsequently barred from entering Myanmar. (24 August) The Kofi Annan Foundation presents its final report, which doesn't use the term 'Rohingya'; Myanmar government agrees to implement its recommendations. (25 August) Reported attacks by ARSA on border security posts sees the beginning of a sustained genocidal assault on Rohingya villages across northern Rakhine state, triggering a mass exodus of Rohingya to Bangladesh.

ABBREVIATIONS

ARSA	Arakan Rohingya Salvation Army
BGP	Border Guard Police
Ma Ba Tha	nationalist movement within the Sangha
Nasaka	border guard security force which preceded the BGP
NLD	National League for Democracy
NVC	National Verification Card
OHCHR	The Office of the United Nations High Commissioner for Human Rights
RSO	Rohingya Solidarity Organisation
OCHA	The United Nations Office for the Coordination of Humanitarian Affairs

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To Habi Zullah and our Rohingya friends we owe a very special debt not only for their invaluable contributions to this report as fixers, translators and respondents but for their inspirational courage and resilience in the face of genocidal terror.



Rohingya families on their arduous journey to Bangladesh, September 2017. Almost 700,000 women, men and children fled from northern Rakhine state in Myanmar within weeks from late August 2017, following a sustained and murderous assault on their communities led by state forces. *Source: Rohingya refugee*

EXECUTIVE SUMMARY

'We openly declare that "absolutely, our country has no Rohingya race".' – Senior General Min Aung Hlaing, Commander-in-Chief of Myanmar's armed forces, 1 September 2017.¹

'I never thought they would be able to remove that many people'

– Noor Amin, a village administrator in Kyuak Lagar, Maungdaw township, northern Rakhine state.²

Over 800,000 women, men and children have streamed into Bangladesh from Myanmar (formerly Burma) since October 2016, the vast majority since late August 2017 – a staggering exodus in both number and speed. Having climbed mountains, waded across rivers, clambered along slippery paths carrying their young, their elderly, their disabled relatives and a few remaining possessions, they arrived exhausted and traumatised from the horrors they had survived.

From across the Naf river in the relative safety of Bangladesh, the world's media live-streamed the red, smoke-filled sky of northern Rakhine state³ from where Myanmar's Muslim minority, the Rohingya, were escaping brutal state-led violence in Maungdaw, Buthidaung and Rathedaung townships. Time and again survivors recounted how Myanmar's army and Border Guard Police (BGP) had mercilessly attacked their communities, aided by armed Rakhine⁴ extremists⁵, shooting and hacking to death relatives and friends, gang raping women and girls, pillaging property and torching villages. Their testimonies and satellite images left little doubt that their communities and livelihoods had been obliterated – the climax of a long-pursued and state-orchestrated genocidal process.

Victims of numerous pogroms over the years, over 1 million Rohingya⁶ are now living in the sprawling, fetid, under-resourced, temporary camps in Bangladesh – the world's most densely populated settlement of refugees. Here they are at risk of further physical and psychological annihilation through disease, malnourishment, lack of education and health care, human trafficking, mudslides, flooding, and cyclones.

1 Senior General Min Aung Hlaing, 'Entire Government Institutions and People Must Defend the Country with Strong Patriotism', Facebook post, 2 September 2017: <https://www.facebook.com/seniorgeneralminaunghlaing/posts/1698274643540350>. Accessed 13 November 2017.

2 Interview with Noor Amin, Leda camp, 1 November 2017.

3 Northern Rakhine state is usually understood to mean Maungdaw district (Maungdaw and Buthidaung townships). The military campaign of terror was also evident in Rathedaung township (Sittwe district). The term 'northern Rakhine state' in this report refers to Maungdaw, Buthidaung and Rathedaung townships.

4 The Buddhist Rakhine are the majority ethnic group in Rakhine State who also see themselves as victims of oppression and neglect at the hands of the Myanmar state.

5 In the heightened climate of state-condoned persecution, a number of Rakhine took up arms and joined Myanmar security forces in violent attacks against Rohingya.

6 ISCI researchers arrive at this figure on the basis of a UNICEF humanitarian situation report published in March 2018, which documents approximately 671,000 Rohingya as entering Bangladesh since the 25 August attacks; 200,000 Rohingya who had arrived between 9 October 2016 and 25 August 2017; a further 33,000 registered Rohingya refugees who had arrived in 1992, when similar state-led violence forced Rohingya to flee; more than 60,000 undocumented Rohingya who live in makeshift settlements (Leda, Kutupalong, Shamlapur and Balukhali); and an additional 300-500,000 who are scattered within Bangladeshi host communities. See, UNICEF, 'Bangladesh Humanitarian Situation Report No.25 (Rohingya influx)', 4 March 2018: https://www.unicef.org/appeals/files/UNICEF_Bangladesh_Humanitarian_Situation_Report_4_March_2018.pdf, p 2, fn 2. Accessed 11 April 2018.

The architect of the concept of genocide, Raphael Lemkin, makes clear that genocide or the extermination of an ethnic, racial, national or religious group, can be accomplished not solely by mass murder, but also by social, cultural, religious and economic destruction for example, through processes of forced mass exodus, population fragmentation and the social reconstruction of an ethnic identity.⁷ With this in mind, it is clear that by the end of 2017, genocide of the Rohingya had been achieved: the Myanmar identity of its Rohingya people had been destroyed and the reshaping of society in Rakhine state was well under way. Of an estimated 1.2 to 1.4 million Rohingya living in Rakhine state in 2014:

- tens of thousands had been killed (an estimated 22,000 since 25 August 2017);⁸
- approximately 800,000 have fled to camps in Bangladesh;⁹
- over 350 (or 75%) Rohingya villages in northern Rakhine state had been torched and bulldozed, with many completely destroyed;¹⁰
- the vast majority of the estimated 150,000-200,000 Rohingya remaining in Myanmar were confined to 'no-man's land' on the Bangladesh/Myanmar border, prison villages, and concentrated in detention camps in central Rakhine state, and Sittwe's Aung Mingalar ghetto.

However, genocide is a process with no clearly defined end – and the genocide of the Rohingya continues:

- death stalks the Rohingya trapped in Myanmar as a result of violent intimidation, enforced starvation and untreated illnesses;
- Rohingya are still fleeing terror and enforced destitution in Myanmar;
- the mass expulsion of Rohingya to makeshift camps in one of the world's poorest countries, where the refugees face ongoing systematic weakening, including death, is part of Myanmar's strategy of genocide;
- the Myanmar state is erasing historical evidence of Rohingya culture and identity as it reshapes Rakhine society.

The genocidal 'clearance' of Rohingya from Myanmar in 2017 was both predictable and predicted. In 2015, the authors of this report issued *Countdown to Annihilation: Genocide in Myanmar*, which showed that a genocidal process was well under way. The report presented evidence of ongoing genocidal processes, their historical genesis and the political, social and economic conditions in which genocide had emerged. ISCI researchers identified the architects of the genocide as Myanmar state officials and security forces, Rakhine nationalist civil society leaders and Buddhist monks, pointing to a significant degree of coordination between those agencies in the pursuit of eliminating the Rohingya from Myanmar's political landscape. Leading genocide scholar Daniel Feierstein identified six stages of genocide: stigmatisation (and dehumanisation); harassment, violence and terror; isolation and segregation; systematic weakening; mass annihilation; and

7 Lemkin, R, 'Genocide - A Modern Crime', *Free World*, (4 April 1945), pp.39-43.

8 This estimate of Rohingya deaths is based on our own interviews and calculations combined with Médecins Sans Frontières' (MSF) six retrospective household mortality surveys covering the period 25 August to 24 September 2017. The MSF estimation of between 9,425 and 13,759 Rohingya deaths is equivalent to the death of 2.26% (between 1.87% and 2.73%) of the sampled population. MSF makes clear that its figures are likely to be an underestimate as the sampling focused on deaths resulting in just a one-month period (and we know killings continued in the months that followed), that not all refugee settlements in Bangladesh were surveyed, and that those instances where whole families were killed were not accounted for. Our own estimations suggest a final death toll of 22,000 to 25,000. There have been significant numbers of Rohingya deaths on the flight to Bangladesh as well as in the camps in Bangladesh. See, Médecins Sans Frontières, 'Myanmar/Bangladesh: MSF surveys estimate that at least 6,700 Rohingya were killed during the attacks in Myanmar', 12 December 2017: <http://www.msf.org/en/article/myanmarbangladesh-msf-surveys-estimate-least-6700-rohingya-were-killed-during-attacks>. Accessed 9 April 2018.

9 Bangladesh does not recognise the Rohingya as refugees; it designates them as 'forcibly displaced Myanmar citizens'.

10 Human Rights Watch, 'Burma: 40 Rohingya Villages Burned Since October', 17 December 2017: <https://www.hrw.org/news/2017/12/17/burma-40-rohingya-villages-burned-october>. Accessed 9 April 2018.

11 Green, P, MacManus, T and de la Cour Venning, A, *Countdown to Annihilation: Genocide in Myanmar*, (London: International State Crime Initiative, 2015): <http://statecrime.org/data/2015/10/ISCI-Rohingya-Report-PUBLISHED-VERSION.pdf>. Accessed 10 April 2018.



A new section of the vast Rohingya refugee camp known as 'Kutupalong-Balukhali extension', Bangladesh, November 2017

finally symbolic enactment involving the removal of the victim group from the collective history.¹¹ *Countdown to Annihilation* found the first four stages of genocide were already present in Rakhine state and warned that the Rohingya were facing the final two stages of genocide – mass annihilation and erasure of the group from Myanmar's history. The world chose to ignore such warnings, as well as the mounting evidence from October 2016 onwards that the final stages of genocide were imminent.

Genocide Achieved, Genocide Continues analyses what the International State Crime Initiative (ISCI) believes to be evidence of the final two of the six stages outlined by Feierstein.¹²

Many Rohingya were aware of the looming catastrophe for the simple reason that state security forces warned them it was coming. Noor Amin, for example, a Rohingya village administrator,¹³ said that soldiers told him in mid-2016 that security forces would soon launch co-ordinated attacks to annihilate the Rohingya:

They said, "You people will need to run away from this land very soon". Some Border Guard Police I'm close to told me this secretly, but I didn't believe them... because I trusted the government and the community, I never thought they would be able to remove that many people.

Around a year later, Myanmar's security forces had indeed removed 'that many people'. By 23 February 2018, The Irrawaddy reported that at least 90% of the Rohingya population of northern Rakhine state had fled to Bangladesh.¹⁴ This ISCI report is based on extensive interviews with survivors of the genocide living in Bangladesh. Their words highlight the terror they experienced before they fled. They also confirm that the genocidal onslaught launched on 25 August 2017 was not simply a response to alleged attacks by Rohingya militants, as the authorities claim, but was in fact the denouement of a decades-long genocidal process that was carefully planned and generously equipped by the Myanmar state.

¹² The first four stages are detailed in *Countdown to Annihilation: Genocide in Myanmar*, ISCI's first report on the Rohingya genocide.

¹³ Interview with Noor Amin, Leda camp, 1 November 2017.

¹⁴ Moe Myint, 'Ninety Percent of Rohingya Population Ejected from Rakhine', *The Irrawaddy*, 23 February 2018: <https://www.irrawaddy.com/specials/ninety-percent-rohingya-population-ejected-rakhine.html>. Accessed 9 April 2018.

Following the Introduction in Chapter 1, Chapter 2 of this report summarises key patterns and events between 2012 and October 2016 that paved the way for the final stages of genocide. During this period, Rohingya faced increasing restrictions, including ever-expanding curfews and the weakening of their means of survival. In a warning of what was to come, police and Rakhine extremists massacred with impunity nearly 50 Rohingya women, men and children in Kiladuang (Du Chee Yar Tan) in January 2014 (see Chapter 2, section 2).¹⁵

Rohingya hopes were raised in late 2015 when the opposition National League for Democracy (NLD), led by Aung San Suu Kyi, won general elections. However, the NLD quickly made a power-sharing deal with the military and the persecution of Rohingya continued to be ratcheted up.

Chapter 3 provides evidence that the intense military 'clearance operations' that began in late August 2017 were prepared well in advance. It shows that the campaign of killings was supported by a range of other coercive measures of annihilation, and were the logical conclusion of a decades-long systematic programme of genocide.

From 9 October 2016 onwards, following alleged attacks on border police by Rohingya militants (which have not been independently verified), preparations by the security forces included:

- suffocating curfews, gradually extending in some areas to 24-hours;
- increased extortion of Rohingya and looting of their property;
- substantial new deployments of soldiers and BGP in northern Rakhine state, which were accompanied by a rising level of killings, torture and other abuses committed against Rohingya with impunity; and
- increasing threats against Rohingya to accept the 'National Verification Card' (NVC), a category of ID that excludes them from Myanmar citizenship and is effectively a non-violent tool of genocide.

Rakhine nationalists, themselves facing an existential crisis from Bamar nationalism, eagerly exploited the officially sanctioned discrimination against the Rohingya to raise their own status. Among them, some were emboldened by the militarisation of northern Rakhine state and increasingly participated in attacks on Rohingya.

Chapter 4 documents a number of massacres in Rohingya villages that followed an alleged attack on border police by Rohingya militants on 25 August 2017 - a disputed incident that was used by the state as a pretext to justify genocidal 'clearance operations'. The army launched wave after wave of attacks, backed up by the BGP and Rakhine extremists. Terrified Rohingya were shot and hacked to death. Women and girls were systematically gang raped. Homes were pillaged. Possessions were ripped from their owners. Finally, entire villages and districts were torched, including homes in which Rohingya were trapped. The fireballs destroyed long-established communities in a matter of minutes. Only Rohingya villages, or Rohingya neighbourhoods of mixed villages, were targeted.

Just three of the massacres cited in this report give a sense of the scale of death and destruction in northern Rakhine state. On 27 August 2017, some 400 people were murdered in Kyaut Pyaung (North) village; on 27 August, approximately 300 people were slaughtered and 700 homes destroyed in Chut Pyin village; and on 30 August, up to 2,000 people were killed and 746 homes were destroyed in Tula Toli (also known by Rakhine name Min Gyi).

¹⁵ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 'Pillay calls for killings in northern Rakhine State to be investigated', 23 January 2014: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14194>. Accessed 9 April 2018. See also, Burmese Rohingya Organisation UK (BROUK), 'Timeline- Killings and Massacre January 2014, Maungdaw, Rakhine State', *Burma Campaign*, 31 January 2014: http://www.burmacampaign.org.uk/images/uploads/Du_Chee_Yar_Tan_Massacre_Timeline.pdf. Accessed 9 April 2018.

As terrified Rohingya families poured into Bangladesh, it quickly became clear that rape and gendered violence were being used as weapons of genocide. Mass rape was first used as a tool of genocide against the Rohingya in October 2016. After 25 August 2017, such abuses were carried out on an industrial scale, apparently condoned and even ordered by the state. Rashan Ali described to ISCI the ubiquity of rape, including in his village of Chut Pyin in late August:

During the massacre some of the women fleeing were caught and raped, especially the beautiful ones. Children were also raped and killed. There were around 15 rapes in Chut Pyin – wherever the military operates, rape is a weapon.¹⁶

The official policy of denial regarding mass gang rape of Rohingya women extended to Aung San Suu Kyi, who used the political capital that she had accumulated with the international community over decades to cover the military and give it time to prepare and carry out its murderous campaign.

Chapter 5 shows that the genocide did not end with the militarised ‘clearance operations’ and ravaging of villages. The perilous journey to Bangladesh took countless more lives. Some Rohingya were shot by the army as they fled. Others were simply too weak or ill to survive the journey.

In Bangladesh, the systematic weakening of Rohingya continues. Though the Rohingya are geographically beyond the state’s reach, the Myanmar authorities continue to knowingly inflict indirect harm by condemning the Rohingya to the ever-present spectre of death in the Bangladesh camps. It is incumbent on the international community to ensure that the humanitarian response is adequately funded to cope with the crisis. Meanwhile, the international community, by failing to heed warnings of impending genocide, and sufficiently censure Myanmar’s leaders, including State Counsellor Suu Kyi and Commander in Chief of the Armed Forces, Min Aung Hlaing, is effectively complicit in the ongoing genocide.

Chapter 6 focuses on the final stage of genocide – denial by state perpetrators and the symbolic re-organisation of the society that remains. The authorities have long denied the Rohingya identity. This denial has extended to widespread and systematic cover-up of state criminality. State security forces have dumped bodies in concealed mass graves, and destroyed evidence, including the ability to identify those murdered, through arson and the use of acid. Officials have denied that violence against civilians, including well-documented massacres, has taken place.¹⁷ Meanwhile, the authorities have refused independent monitors access to Rakhine state and attempted to silence the media.

The Myanmar state has also deployed another traditional tactic of genocide – using members of the victim community to deny the truth of massacres or blame others for the violence.

Now the Myanmar state is obliterating all trace of the Rohingya and simultaneously re-making society in northern Rakhine state – the final stage of genocide. Almost before the fires had cooled, the authorities appropriated ‘abandoned’ Rohingya lands, livestock and property; they announced new economic zones; they bulldozed the remnants of Rohingya villages and are reconstructing demographics.

Many of the Rohingya interviewed by ISCI said that even before they fled the violence, Rakhine villagers, BGP or soldiers had taken over the harvesting of Rohingya paddy fields and the husbandry of Rohingya cattle. Such appropriation of the annihilated group’s property is another method of erasure.

¹⁶ Interview with Rashan Ali, Thangkali camp, 31 October 2017.

¹⁷ The Tatmadaw True News Information Team released a statement on a mass grave of ‘terrorists’ at Inn Din following a Reuters report exposing a massacre of villagers. See, Thu Thu Aung, ‘Rohingya Insurgents Say 10 Found in Myanmar Graves “Innocent Civilians”’, *Reuters*, 13 January 2018: <https://www.reuters.com/article/us-myanmar-rohingya-arsa/rohingya-insurgents-say-10-found-in-myanmar-grave-innocent-civilians-idUSKBN1F2o6D>. Accessed 9 April 2018. For response from Myanmar authorities, see, The Republic of the Union of Myanmar, Ministry of Information, ‘Authorities Refute AP’s report on mass graves in Buthidaung Tsp’, 3 February 2018: <http://www.moi.gov.mm/moi:eng/?q=news/3/02/2018/id-12657>. Accessed 9 April 2018.



State Counsellor Aung San Suu Kyi with Senior General Min Aung Hlaing, Commander-in-Chief of Myanmar's armed forces. After Aung San Suu Kyi's National League for Democracy won general elections in late 2015, it quickly entered into a corrosive power-sharing deal with the military and the persecution of Rohingya continued to intensify. *Source: Reuters*

The authorities have also systematically targeted Rohingya leaders, teachers, mullahs and imams – members of the community who traditionally hold and pass on cultural and religious history. The message is clear: the old life of the Rohingya in Myanmar has been destroyed; there is no possibility of return.

This report concludes that the Myanmar state's intense vilification of the Rohingya as 'outsiders', 'illegal Bengali immigrants' and 'terrorists' gave a green light to the state security forces, Rakhine nationalists and Islamophobic monks to orchestrate pogroms reminiscent of those witnessed in Germany in the 1930s and Rwanda in the early 1990s. Rohingya have been robbed of their citizenship. They have been ghettoised. They have been denied the right to livelihood. They have been rounded up, raped and executed. They have had their homes looted and their possessions stolen. They have watched their villages being razed to the ground, sending a final message that their presence in Myanmar has finally been erased.

The parallels with other genocides are stark. In Germany, the Nazi government issued Jews with special ID cards before ghettoising them and then unleashing the Holocaust; in Myanmar, the government used special ID cards to identify the Rohingya as outsiders before unleashing the final stages of the genocide. In Rwanda, the state mobilised Hutus to slaughter Tutsi. In Myanmar, the state mobilised Buddhist and Rakhine extremists to target the Rohingya. As with other genocides, the state's propaganda campaign to stigmatise one group as the 'other' desensitised the population at large so that they ignored, misunderstood, condoned and sometimes participated in with what was happening around them.

The reality is that the genocide of the Rohingya in Myanmar was long in the making. World leaders knew but did nothing to avert the catastrophe. Now the world knows of the precarious existence that the relatively few Rohingya who remain in Myanmar are now experiencing. It knows that the 1 million or more Myanmar Rohingya in the Bangladesh camps are at risk of annihilation through fragmentation, destitution, natural hazards, malnutrition and disease. Unless the international community takes urgent and meaningful action, the Myanmar Rohingya will be eliminated.



Thankali refugee camp

Introduction and Methodology



A group of Rohingya at Leda makeshift settlement in Cox's Bazar, watching as homes burn across the border in Myanmar, 9 Sept 2017. *Source: Masfiqur Sohan*

1. INTRODUCTION

Countdown to Annihilation: Genocide in Myanmar, a report issued by the International State Crime Initiative (ISCI) in 2015, concluded with a stark warning:

A genocidal process is underway in Myanmar and if it follows the path outlined in this report, it is yet to be completed. It can be stopped but not without confronting the fact that it is, indeed, a genocide.¹⁸

The international community chose not to confront what was happening in Myanmar (formerly Burma) and in late 2017 we witnessed the denouement of the genocide. If the warnings from ISCI and others¹⁹ had been heeded, the denouement might have been prevented.

What ISCI witnessed in 2014 and 2015 in Rakhine state's Rohingya detention camps, Aung Mingalar ghetto and the Sittwe and Mrauk U regions' 'prison villages' matched precisely the fourth stage in renowned genocide scholar Daniel Feierstein's six stages of genocide.²⁰ Already stigmatised, violently harassed, denied virtually all civil rights and physically and socially isolated, the Rohingya were being systematically weakened by state-controlled processes.²¹ Two genocidal stages remained: mass destruction (annihilation); and what Feierstein describes as symbolic enactment, which in this case involves the social reorganisation of Myanmar society in the absence of Rohingya. ISCI witnessed elements of both final stages in 2015. This report focuses on the degree to which they have now been completed and provides compelling evidence that they were planned and orchestrated by the state.

As ISCI set out in its 2015 report, genocide is a particular form of state crime. It involves practices that aim to:

- destroy social relationships based on autonomy and cooperation by annihilating a significant part of the population; and
- use the terror of annihilation to establish new models of identity and social relationships among the survivors.²²

Within this framework, genocide is understood as a process, often lasting years or even decades. It does not only refer to physical annihilation. Indeed, it does not necessarily involve 'mass killings'. As outlined by Raphael Lemkin, the Polish jurist who developed the term genocide, the genocidal process aims to disintegrate political and social institutions, culture, language, national feelings, religion and the economic

¹⁸ Green, P, MacManus, T and de la Cour Venning, A, *Countdown to Annihilation: Genocide in Myanmar*, p.100.

¹⁹ See, Maung Zarni and Cowley A, 'The Slow Burning Genocide of Myanmar's Rohingya', *Pacific Rim Law & Policy Journal*, 23(3), June 2014, pp.681-752.

²⁰ Feierstein, D, *Genocide as Social Practice*, (New Brunswick: Rutgers University Press, 2014).

²¹ Green, P, MacManus, T and de la Cour Venning, A, *Countdown to Annihilation: Genocide in Myanmar*.

²² Feierstein, D, *Genocide as Social Practice*, p.14.

existence of national groups; and destroy personal security, liberty, health, dignity and even the lives of the individuals belonging to such groups.²³

In Myanmar, the Rohingya have had all basis of personal security, liberty, health and dignity wiped out. The suffocating restrictions on movement outlined below precipitated an almost total loss of rights, including the ability to maintain livelihoods. For Lemkin, this is consistent with a genocidal plan: 'The genocidal purpose of destroying or degrading the economic foundations of national groups was to lower the standards of living and to sharpen the struggle for existence, that no energies might remain for a cultural or national life'.²⁴

The existing legal framework to prevent and punish genocide has proven wholly inadequate in the case of the Rohingya (as it was for the Tutsis, Bosnian Muslims, Yazidis and many others). This report emphasises Lemkin's original conceptualisation of genocide, which was ultimately frustrated by the negotiated-down 1948 Genocide Convention. Our approach, like Lemkin's, prioritises the reality of genocide as a complex social process over a legal construction, which reifies individual intent.

The international community has been and continues to be complicit in this genocide. It ignored the many warnings that cried out for action over decades, particularly since 2012 and again after October 2016. Since April 2014, ISCI has written to the British government (see Appendix I) and met officials from the Foreign and Commonwealth Office to warn them of the impending genocide in Myanmar. The UK government, like others, appears to lack any coherent protocol to investigate or institute the prevention measures dictated by the Genocide Convention.

The international community's fawning diplomats appeared mesmerised by Aung San Suu Kyi, allowing her reputation to shield her allies in government – the military – while they prepared and executed a long-planned genocide.



ISCI researchers in Bangladesh's Thankali refugee camp conducting a group interview with women who had escaped from Chut Pyin village, Rathedaung township, northern Rakhine state. During the military assault on Chut Pyin on 27 August 2017, some 300 villagers were killed and around 700 buildings were destroyed.

²³ Lemkin, R, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, (Washington DC: Carnegie Endowment for International Peace, 1944), p.79.

²⁴ Lemkin, R, 'Genocide - A Modern Crime', p.41.

1.2 METHODOLOGY

This report documents and analyses data gathered from Rohingya who fled violence in northern Rakhine state after mid-August 2017. It develops the themes articulated in ISCI's 2015 report, *Countdown to Annihilation: Genocide in Myanmar*, which was based on a 12-month study funded under the UK's Economic and Social Research Council's (ESRC) 'Pilot Urgency Grants Mechanism'.

An ISCI team of three Queen Mary University of London School of Law researchers (Prof Penny Green, Dr Thomas MacManus and Alicia de la Cour Venning) spent eight days in Bangladesh, between 28 October and 4 November 2017, collecting data in and around the Rohingya camps. The team conducted 70 interviews with Rohingya recently arrived in Bangladesh, 45 of which were in-depth.²⁵

The primary focus was on 'informal' Rohingya village administrators,²⁶ village elders, imams, teachers and mullahs because experience demonstrated that community leaders normally had the greatest knowledge about events leading up to the military 'clearance operations' launched in August 2017. These leaders were also used explicitly to communicate government and military edicts and orders to villagers and, unlike the women of the community, were engaged more actively in life beyond the village. In the socially conservative Rohingya communities, this emphasis inevitably resulted in the team interviewing more men than women – ISCI heard of no women village administrators or teachers amongst the Rohingya in northern Rakhine state. Nonetheless, ISCI interviewed 20 women and their testimonies are reflected and cited in this report.

Fieldwork also involved ethnographic observation in the vast camps (Kutupalong, Balukhali, Nayapara and Thankhali) for those displaced as well as in the town of Cox's Bazar on the southeast coast of Bangladesh. This provided insight into the situation inside northern Rakhine state, which had previously been closed to ISCI researchers.

Interviews were predominately conducted in the newly constructed Rohingya huts and every effort was made to ensure privacy and confidentiality. In most cases, however, audiences naturally gathered. They were welcomed by the interviewees and contributed to general discussions that sometimes emerged. ISCI sought a strong representation of women's voices and found many eager to have their experiences documented.

Informed consent was secured in every case and confidentiality assured if requested. Only two interviewees requested anonymity and in one other case a pseudonym is employed.

The fieldwork was supplemented by primary documents and communiqués emanating from the Myanmar government, NGO and media reports, and academic literature. In addition, leaked documents and interview data were made available by civil society and activist partners, and are referenced as such.

The names of villages appear with Rohingya name first (where available) and Rakhine name in brackets, unless indicated otherwise.

²⁵ The team also had many more informal conversations with Rohingya and discussions with NGO staff in the field.

²⁶ Rohingya village administrators are considered 'informal' as they are not paid a salary and fall outside the administrative hierarchy, but they invariably do the same job as their 'official', paid Rakhine counterparts.



ISCI researchers in Sittwe, capital of Rakhine state, 2015. The researchers were speaking to survivors of widespread anti-Rohingya violence that spread across Rakhine state in 2012.

2. PREPARING FOR ANNIHILATION: PRE-OCTOBER 2016

'The Bengali problem was a long-standing one which has become an unfinished job despite the efforts of the previous governments to solve it. The government in office is taking great care in solving the problem.' – Senior General Min Aung Hlaing, September 2017²⁷

As Senior General Min Aung Hlaing made clear in his September 2017 Nay Pyi Taw address, delivered at the height of the genocidal 'clearance operations', the government is determined to eliminate the Rohingya not only from northern Rakhine state but from the country as a whole.

The evidence gathered by ISCI strongly suggests that the genocidal violence against the Rohingya in Maungdaw, Buthidaung and Rathedaung was carefully planned and the inevitable consequence of a genocidal programme to annihilate the Myanmar Rohingya. Our evidence both contradicts and repudiates the mendacious claims by the Myanmar Government and military that the violence was a measured reaction to alleged attacks by the Arakan Rohingya Salvation Army (ARSA) on border police on 9 October 2016 and 25 August 2017. Indeed, the genocidal plan had preoccupied successive Myanmar regimes for decades.

In July 2012, following violence between Buddhists and Muslims in Rakhine state President Thein Sein declared: 'We will take care of our own ethnic nationalities, but Rohingyas who came to Burma illegally are not of our ethnic nationalities and we cannot accept them here'. He went on to state that the 'solution to this problem' is that the 'illegal' Rohingya be expelled to other countries or re-settled in refugee camps managed by UNHCR.²⁸ Despite these public pronouncements of genocidal intention, the international community stood back while Myanmar pursued its programme of annihilation.

The longstanding threat of annihilation is well known to Rohingya. As a refugee in Thankhali camp told ISCI:

The state started implementing a plan to remove the Rohingya people in 1990. Even if a family got a young goat, they had to inform Nasaka. The BGP has taken on the same role as Nasaka. Everything's the same. ²⁹

Ismail Mohammed from Zo Pa Ran (Tha Bay Daw), Rathedaung township, explained his frustration:

*80% of people lost their family lists, all people brought here is life. But the government is the one with all the lists. They're the ones who come and take photos of all family members, even the animals we own, so they are the ones with the records! They can prove! We cannot. The government told the international community that the violence is communal, that it's not political or religious. They had an 'underground plan' to remove us.*³⁰

²⁷ Senior General Min Aung Hlaing, *Facebook* post, 2 September 2017.

²⁸ Radio Free Asia's Burmese Service, 'Call to Put Rohingya in Refugee Camps', 12 July 2012: <https://www.rfa.org/english/news/rohingya-07122012185242.html>. Accessed 9 April 2018.

²⁹ Interview with Mohammed HZ (pseudonym), Balukhali camp, 31 October 2017.

³⁰ Interview with Ismail Mohammed, Balukhali camp, 30 October 2017

Nasaka and Oppression of the Rohingya

The Nasaka (acronym for Nay-Sat Kut-Kwey Ye, or Border Region Immigration Control Headquarters) comprised about 1,200 officers from five government agencies: police, Lone Htein (riot police), immigration, customs and military intelligence. Established in 1992, it was disbanded in July 2013.

Nasaka was under the Myanmar army West Commander in Sittwe and ruled over nine sectors along the Bangladesh border (eight in Maungdaw, one in Buthidaung). The force was created to secure the border and oppress the Rohingya. It enforced discriminatory practices on the Rohingya, including travel and marriage restrictions, a two-child limit, forced labour, and taxing all economic activities. The Nasaka were notorious for 'midnight raids', rapes, sexual assaults, disappearances, systemic and widespread corruption and bribery, theft and destruction of property, and exploitation. Such methods have been continued by their successors, the BGP.

In the late 1990s, the authorities issued a local order to apply exclusively to Rohingya in northern Rakhine state. This stipulated that couples planning to marry must acquire official permission from the Nasaka. Marriage authorisations required fees and bribes, and could take years to obtain. The local order also prohibited any cohabitation or sexual contact outside wedlock. Non-compliance was punishable with up to ten years' imprisonment.

In 2005, the issuance of marriage authorisations was suspended for several months. When the process restarted, a new condition required couples to certify that they would not have more than two children. The amount of bribes and time necessary to secure marriage permission has increased steadily over the years, and the authorities used delaying tactics and intimidation to extort money.³¹

Older Rohingya spoke of an even longer genocidal pattern. 56-year-old Sultan Ahmed, who was the Rohingya village administrator in Tula Toli, Maungdaw, before his expulsion in 2017, said:

I was also a refugee in 1978. At that time the government also treated us like this. Some fled from my village in 1991. Every 30 or so years they plan to destroy us, we lose everything... For 30 years we are suffering like this.³²

This long history gathered pace in 2012 and reached its climax in August 2017. As ISCI outlined in its 2015 report, military preparations for the annihilation of the Rohingya were well under way before the 2017 violence. In October 2013, for instance, Rakhine leaders lobbied then President Thein Sein to establish militias in northern Rakhine state.³³ An ISCI interview with a spokesperson of the Arakan National Party in January 2015 in Sittwe revealed the party's plan to arm and train a militia of Buddhist civilians in northern Rakhine state: 'I think the Tatmadaw [army] doesn't [control] everywhere. That's why we need a paramilitary... villagers who live there get training... we just want our people... [to] have some rifles to defend themselves.'³⁴

It appears these hopes of an armed militia were realised with the assistance of the Myanmar army.

The 2017 military build-up was confirmed in early 2018 by Major-General Aung Soe, Deputy Minister for Home Affairs, who told Amyotha Hluttaw (the upper house of parliament) that the army had established more than 30 militia groups in Maungdaw and had trained and armed three of them in February and March 2017.³⁵

What follows is an analysis of the conditions of life inflicted by the Myanmar state on the Rohingya in northern Rakhine state in the build-up to the accelerated terror and annihilation campaign that began in October 2016. These conditions are strongly suggestive of a design to destroy the Myanmar Rohingya.

31 See, The Arakan Project, 'Issues to be Raised Concerning the Situation of Stateless Rohingya Women in Myanmar (Burma)', *For the Examination of the Combined 2nd and 3rd Periodic State Party Reports* (CEDAW/C/MMR/3), October 2008: http://www.burmalibrary.org/docs6/CEDAW_Myanmar_AP_Submission-Final-Web.pdf. Accessed 9 April 2018.

32 Interview with Sultan Ahmed, Balukhali camp, 4 November 2017.

33 Green, P, MacManus, T and de la Cour Venning, A, *Countdown to Annihilation: Genocide in Myanmar*, leaked document 1, submission A, p.35.

34 Interview with ANP spokesperson, Sittwe, 21 January 2015.

35 The Irrawaddy, 'Deputy Minister Says Tatmadaw Arming, Training up to 30 Militias in Maungdaw', 30 January 2018: <https://www.irrawaddy.com/news/deputy-minister-says-tatmadaw-arming-training-30-militias-maungdaw.html>. Accessed 8 April 2018.

2.1 INCREASED RESTRICTIONS

'Everything that a human needs is restricted.' – Noor Amin, 49, Rohingya village administrator from Kyauk Lagar village, Maungdaw township.³⁶

In 2012, following anti-Rohingya violence and arson attacks, the authorities concentrated Rohingya into detention camps and prison villages in and around Sittwe, and imposed curfews and other restrictions on Rohingya in Rakhine state.³⁷ Between then and October 2016, Rohingya communities experienced a gradual ratcheting up of restrictions and the systematic weakening of the 120,000 to 140,000 Rohingya in central Rakhine state's detention camps and prison villages, as well as in Sittwe's Aung Mingalar ghetto.

In November 2015, the NLD, led by Aung San Suu Kyi, won national elections and entered into a corrosive power-sharing arrangement with the military. Much was expected from the pseudo-civilian government, not least by the Rohingya. Despite their disenfranchisement and the explicit anti-Muslim messages emanating from the NLD leadership, they hoped that democracy would end their wretched persecution. Their hopes were short-lived and the restrictions they faced grew steadily.

ISCI research and a range of international NGO reports³⁸ issued between 2012 and 2016 revealed the perilous situation of Rohingya in Sittwe and Mrauk U, but much less was known about life for the Rohingya in northern Rakhine state.³⁹ The ISCI interviews conducted in 2017 show that following the 2012 violence, life for these Rohingya was increasingly constrained by:

- discriminatory restrictions on movement;
- collusion between the BGP and Rakhine leaders;
- local corruption;
- attempts by the Myanmar government to change the demographics of the region by increasing the proportion of Buddhists living there;⁴⁰
- bans on gatherings of over five people;
- increasingly restrictive curfews; and
- an ever-present fear of violence.

³⁶ Interview with Noor Amin, Leda camp, 1 November 2017.

³⁷ Green, P, MacManus, T and de la Cour Venning, A, 2015 *Countdown to Annihilation: Genocide in Myanmar*.

³⁸ Amnesty International, 'Myanmar: Ending discrimination and violence against the Rohingya', 30 May 2016: <https://www.amnesty.org/download/Documents/ASA1641472016ENGLISH.PDF>. Accessed 20 March 2018; Amnesty International, 'Deadly Journeys: The Refugee and Trafficking Crisis in Southeast Asia', 21 October 2015, pp.11-14: <https://www.amnesty.org/download/Documents/ASA2125742015ENGLISH.PDF>. Accessed 20 March 2018; Fortify Rights, 'Policies of Persecution: Ending Abusive State Policies Against Rohingya Muslims in Myanmar', February 2014: http://www.fortifyrights.org/downloads/Policies_of_Persecution_Feb_25_Fortify_Rights.pdf. Accessed 20 March 2018; Human Rights Watch, "'All you can do is Pray'", Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State', 22 April 2013: <https://www.hrw.org/report/2013/04/22/all-you-can-do-pray/crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims>. Accessed 9 April 2018.

³⁹ Though see, Physicians for Human Rights, 'Where There is Police, There is Persecution: Government Security Forces and Human Rights Abuses in Myanmar's Northern Rakhine State', October 2016: https://s3.amazonaws.com/PHR_Reports/Burma-Rakhine-State-Oct-2016.pdf. Accessed 9 April 2018.

⁴⁰ In 1988, an official leaked document entitled, 'A Rohingya Extermination Plan of the SPDC [State Peace and Development Council, the official name of the military government of Burma/Myanmar from 1988 to 2011]' included the following ambition: 'To strive for the increase in Buddhist population to be more than the number of Muslim people by way of establishing Natala villages in Arakan with Buddhist settlers from different townships and from out of the country'. With thanks to Phil Rees at Al Jazeera for access to this document. An estimated 50 Natala, or model villages, were built during the 1990s and 2000s populated with Myanmar's Buddhist poor, criminals and marginalised people in an effort to reshape the ethnic and religious demographics of northern Rakhine state. See, Kapani, F, 'Why SPDC sets up Natala villages in northern Arakan', *Kaladan Press Network*, 24 April 2009: <http://www.kaladanpress.org/index.php/article-mainmenu-27/16-rohingya-article/1921-why-spdc-sets-up-natala-villages-in-northern-arakan.html>. Accessed 9 April 2018. And see, Wade, F, *Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'*, (London: Zed Books, 2017). For recent evidence of the state attempting to re-shape Rakhine demographics see, Moe Myint, 'Settling Scores in Northern Rakhine', *The Irrawaddy*, 14 December 2017: <https://www.irrawaddy.com/news/burma/settling-scores-northern-rakhine.html>. Accessed 9 April 2018; Agence France-Presse (AFP), 'With Rohingya Gone, Myanmar's ethnic Rakhine seek Muslim-free "Buffer Zone"', 16 March 2018: <https://www.yahoo.com/news/rohingya-gone-myanmars-ethnic-rakhine-seek-muslim-free-035157573.html>. Accessed 9 April 2018; Amnesty International, 'Myanmar: Military land grab as security forces build bases on torched Rohingya villages', 12 March 2018: <https://www.amnesty.org/en/latest/news/2018/03/myanmar-military-land-grab-as-security-forces-build-bases-on-torched-rohingya-villages/>. Accessed 9 April 2018.

A pivotal moment in early 2014 marked a shift in military focus on Rohingya in northern Rakhine state. That moment was the Kiladuang massacre.

2.2 THE KILADUANG (DU CHEE YAR TAN) MASSACRE

Gregory Stanton writes that during the 'preparation' stages of genocide, leading up to large scale murder, 'trial massacres' are often carried out in order to test whether there will be any response, both locally and from the international community. Impunity for these preparatory forms of violence signal a green light to continue mass killings.⁴¹

Kiladuang (Du Chee Yar Tan) consists of seven villages, four Rohingya and three Rakhine, which lie about 1km from each other. The Office of the UN High Commissioner for Human Rights (OHCHR) reported that it had received credible information that on 9 January 2014, local Rakhine had killed eight Rohingya men in Kiladuang.⁴² Four days later, according to UN reports, Rohingya villagers killed a police sergeant. Later that day, 'at least 40 Rohingya Muslim men, women and children were killed in Kiladaung village by police and local Rakhine'.⁴³

A witness cited in a Burmese Rohingya Organisation UK (BROUK) report⁴⁴ provided a harrowing account of events. He reported that eight Rohingya men who passed through Kiladuang during the evening of 9 January 2014 were stopped by villagers and taken to the Rakhine village administrator. Their bodies were found at his home four days later after which, at around midnight on 14 January, seven or eight police and members of the security forces entered the village:

As they approached one house in the village the man in the house fled, as Rohingya men often face arrest or beatings. They entered a house and demanded valuables, money and jewellery from the Rohingya woman living there...When the woman refused to give them her jewellery, the police and security forces raped and then killed her. This took place in front of her children. When their mother was killed the children began shouting and screaming... Local villagers heard and came to the house protesting. The police opened fire on these villagers. Three Rohingya women, three children and one man were killed and four people were wounded by gunshots.⁴⁵

The witness said the police and security forces then left Kiladuang, but around 30 minutes later more police and security forces returned to the village, accompanied by 20 to 30 Rakhine civilians. Rohingya villagers were shot by police and security forces and clubbed and hacked by Rakhine extremists. The military, when they arrived, reportedly intervened only to participate in the attack.⁴⁶

Rohingya lawyer and activist, Nurul Islam, reported that after the massacre, the village was sealed off. No Rohingya villagers, UN staff or media groups were allowed in.⁴⁷ OHCHR human rights officer, Michael Shaikh, however, managed to gain access to the area in the immediate aftermath:

I saw some very traumatised people who explained some very terrible things that had happened, killings, they saw children being killed, they explained that they there were body parts in wells... tens and tens of eye witnesses. We delivered [the information] to the Myanmar government and the government vociferously denied.⁴⁸

41 Stanton, G H, 'Could the Rwandan Genocide Have Been Prevented?', *Genocide Watch*, 27 January 2002: <http://www.genocidewatch.org/couldrwandangenocide.html>. Accessed 9 April 2018.

42 OCHA, 'Pillay calls for killings in northern Rakhine State to be investigated'.

43 United Nations, 'Top UN officials call for probe into latest violence in Myanmar's Rakhine state', *UN News Centre*, 23 January 2014: <http://www.un.org/apps/news/story.asp?NewsID=46987#.Wldop65l-Uk>. Accessed 9 April 2018.

44 BROUK, 'Timeline – Killings and Massacre January 2014, Maungdaw, Rakhine'.

45 Ibid.

46 Ibid.

47 Nurul Islam, 'Du Chee Yar Tan massacre', *Kaladan Press Network*, 15 February 2014: <http://www.kaladanpress.org/index.php/commentary/106-kpn/4452-du-chee-yar-tan-massacre.html>. Accessed 9 April 2018.

48 Vice News, 'Left For Dead: Myanmar's Muslim Minority', 12 May 2016: <https://youtu.be/dVvntQNKZao>. Accessed 11 April 2018.

A Myanmar government-appointed commission reported on 11 March 2014 that it had found no evidence that Muslims were killed on 13 or 14 January.⁴⁹

The evidence suggests the denial was orchestrated. According to BROUK, on 22 January 2014, a delegation of Rakhine state officials visited the village shortly after police and security forces had threatened villagers with jail if they said they had seen killings or dead bodies.⁵⁰ Following the incident Médecins Sans Frontières (MSF) reported that its 'staff treated 22 patients in the area near Kiladuang village from a variety of violence-related injuries in the days after January 14'.⁵¹ MSF was then ordered by the government to cease all operations in Myanmar on the basis of 'falsely' claiming to treat 'victims of violence around the time of an alleged massacre in mid-January, which the government denies took place'.⁵² The New York Times reported that local police had detained two of its reporters and a photographer who had tried to investigate the killings and that in the weeks before the attack, 'monks from the radical Buddhist movement called 969 visited a town nearby'.⁵³

In what has now become familiar practice, Myanmar's Human Rights Commission claimed it had met with over 200 women from Kiladuang. It said it heard their complaints and took statements from some of them. It concluded that reports of the massacre were 'unverifiable and unconfirmed'.⁵⁴ This cover-up was a precursor of the later denial policy, extended to all military and police actions throughout northern Rakhine state, the credibility of which is impossible to maintain in the face of mounting evidence.

49 McLaughlin, T, 'Official Findings at odds with UN Report on Du Chee Yar Tan', *Myanmar Times*, 13 March 2014: <https://www.mmmtimes.com/national-news/9840-official-findings-at-odds-with-un-report-on-du-chee-yar-tan.html>. Accessed 9 April 2018.

50 BROUK, 'Timeline – Killings and Massacre January 2014, Maungdaw, Rakhine State'.

51 Lawi Weng, 'Besieged MSF Calls for Dialogue with Arakan Protestors', *The Irrawaddy*, 26 February 2014: <https://www.irrawaddy.com/news/burma/besieged-msf-calls-dialogue-arakan-protestors.html>. Accessed 9 April 2018.

52 Ferrie, J, 'U.S. concerned by reports Myanmar suspends MSF in Rakhine State', Reuters, 28 February 2014: <https://www.reuters.com/article/us-myanmar-msf/u-s-concerned-by-reports-myanmar-suspends-msf-in-rakhine-state-idUSBREA1RoHo20140228>. Accessed 9 April 2018.

53 Perlez, J, 'Rise in Bigotry Fuels Massacre Inside Myanmar', *The New York Times*, 1 March 2014: <https://www.nytimes.com/2014/03/02/world/asia/rise-in-bigotry-fuels-massacre-inside-myanmar.html>. Accessed 9 April 2018.

54 Republic of the Union of Myanmar National Human Rights Commission (MNHRC), 'Investigation of the Incident at the Ducheeratan [Kiladuang] Village, Statement of the MNHRC on the Findings of the Commission Team, Statement No. 2', 17 February 2014: <http://www.mnhrc.org.mm/en/2014/02/statement-of-the-mnhrc-regarding-the-findings-of-the-commission-team-from-its-investigation-of-the-incident-at-the-ducheeratan-village-tract-statement-no-22014/>. Accessed 9 April 2018.



A sign erected by a Bangladeshi NGO near the entrance to Kutupalong camp

3. FINAL PREPARATIONS: 9 OCTOBER 2016 – 25 AUGUST 2017

On 9 October 2016, according to the Myanmar authorities, ARSA killed at least nine police officers in multiple assaults on BGP outposts along northern Rakhine state's frontier with Bangladesh.⁵⁵ The government used the alleged attacks to accelerate repressive measures targeting the whole Rohingya population.

After 9 October, state repression of the Rohingya became unendurable. A village administrator from Maungdaw described to ISCI the deterioration in the rule of law, the continuous loss of basic human rights and the constant pressure to accept the National Verification Card (NVC):

The army and the BGP regularly came to our village, so they could see what was going on. Immigration officials and township officials would also come. Sometimes it would be just one group, sometimes various groups together. Sometimes the township administrator would come to the village and tell us not to do [certain] things unless we registered for the NVC... Lower ranking soldiers would also come to the village frequently, every one to two days, and do whatever they wanted.⁵⁶

Interviews with Rohingya village administrators, elders, imams and mullahs also revealed that state forces were targeting influential Rohingya to spread fear and compliance across the whole community. The aim of such tactics, as seen during previously recognised genocides, is to silence or eradicate the intellectual, institutional and cultural memory of the target group, or to terrorise them into doing their persecutors' bidding.⁵⁷

Sultan Ahmed, the Rohingya village administrator of Tula Toli, explained how he was targeted:

The BGP and the Rakhine village administrator wanted to force me to leave, to flee, because if I fled others would follow because I am the village administrator, the leader. This was their strategy... If I am not in Tula Toli, no one will stay.⁵⁸

⁵⁵ In a video statement released later in October 2016, Ataulah Abu Amar Jununi, leader of Harakah al-Yaqin (which change its name to ARSA in March 2017), claimed responsibility for attacks in northern Rakhine state: 'For over 75 years there have been various crimes and atrocities committed against the Rohingya ... that's why we carried out the October 9, 2016, attack – to send a message that if the violence is not stopped, we have the right to defend ourselves'. See, Edroos, F, 'ARSA: Who are the Arakan Rohingya Salvation Army?', Al Jazeera, 13 September 2017: <https://www.aljazeera.com/news/2017/09/myanmar-arakan-rohingya-salvation-army-170912060700394.html>. Accessed 9 April 2018. The Myanmar government claimed that: 'On 9 October 2016, the terrorists launched a surprise attack on the No.1 Border Guard Police Command Headquarters (Kyikanpyin), police outpost at Kotankauk and the Ngakhuya local administrative office. In that incident, 9 policemen were killed and 48 assorted arms, 6624 bullets, 47 bayonets, and 164 bullet cartridges seized by the terrorists.' See, The Republic of the Union of Myanmar Anti-terrorism Central Committee, 'Arakan Rohingya Salvation Army (ARSA) Declared as Terrorist Group', Order No. 1/2017 (Official Translation), 27 August 2017: <http://www.statecounsellor.gov.mm/en/node/968>. Accessed 9 April 2018.

⁵⁶ Interviewed in Balukhali camp, 2 November 2017 (anonymity requested).

⁵⁷ Clayton, T, 'Building the New Cambodia: Educational Destruction and Construction under the Khmer Rouge, 1975-1979', History of Education Society, 38(1), 1998.

⁵⁸ Interview with Sultan Ahmed, Balukhali camp, 4 November 2017.

Noor Nahar, a 35-year-old woman, also said the security forces targeted men, especially mullahs and educated people: 'Some mullahs, teachers, educated people disappeared'.⁵⁹ Mohammed Yeleys, a 29-year-old man from Nga Yant Chaung, Buthidaung township, told ISCI that after 9 October, the army arrested rich and educated people.⁶⁰

Another sign of the impending catastrophe was that Ashin Wirathu, a prominent extremist nationalist Buddhist monk and self-styled spiritual leader of the anti-Rohingya and anti-Muslim movement in Myanmar, visited Rakhine state a number of times after 9 October 2016⁶¹ accompanied by security forces. Juhar Mohammed described those visits to ISCI researchers:

Sometimes monks visited, including Wirathu who visited the village accompanied by government security forces from Rathedaung Township. Wirathu was accompanied by other monks and together they travelled to villages and organised Rakhine people not to trade or communicate with us – the Rohingya.

*Wirathu visited Rathedaung three times after October 9th 2016 to hold meetings with other monks and he told them what to say. We could hear what other monks were repeating from the Buddhist temple because they used a loudspeaker and because we also speak Burmese.*⁶²



'My village was burnt down three days after I left', Roshid Ahmed, speaking to ISCI in Kutupalong camp, November 2017: 'It's very difficult to stay here for us. We are always crying, we cannot control our tears. We feel very unhappy here, we don't feel good living in this kind of hut, we aren't getting adequate supplies but this is the reality of my life. Where can we live with dignity? We want to go back home, but with dignity. We want rights like citizenship rights. It's too horrible' .

59 Interview with Noor Nahar (group interview), Thankhali camp, 31 October 2017.

60 Interview with Mohammed Yeleys, Kutupalong camp, 3 November 2017.

61 See, Wa Lone, 'Firebrand Monk Wirathu travels to Myanmar's troubled Rakhine State', *Reuters*, 3 May 2017: <https://www.reuters.com/article/uk-myanmar-rohingya-wirathu/firebrand-monk-wirathu-travels-to-myanmars-troubled-rakhine-state-idUSKBN17Z1FY>. Accessed 9 April 2018; Coconuts Yangon, 'Nationalist Monk Wirathu Visits Rakhine State, Coincides with Visit of UN Special Rapporteur', *The Irrawaddy*, 12 July 2017: <https://coconuts.co/yanmar/news/nationalist-monk-wirathu-visits-rakhine-state-coincides-visit-un-special-rapporteur/>. Accessed 9 April 2018; Moe Myint, 'Wirathu to Visit Conflict-Torn Northern Rakhine', *The Irrawaddy*, 12 October 2017: <https://www.irrawaddy.com/news/burma/wirathu-visit-conflict-torn-northern-rakhine.html>. Accessed 9 April 2018.

62 Interview with Juhar Mohammed, Kutupalong camp, 31 October 2017.

3.1 REPRESSIVE AND THREATENING MEASURES

The oppressive measures were for the most part introduced after the central Rakhine state massacres and arson attacks in 2012. Interviewees said that curfews imposed in 2012, were relaxed in 2015, and were then tightened again after 9 October 2016. The curfews became even more restrictive in July 2017 with the effective imposition of martial law.⁶³

Mohammed Shoaib from Thin Ga Net village in Buthidaung explained:

After 2012 there was a curfew. From 9 October 2016 the curfew was 24 hours – we couldn't leave the village, not even to visit other villages in the tract. After 9 October there were restrictions everywhere – we couldn't go anywhere.

*The Chief [Buthidaung township administrator] of the 85 village tracts in Buthidaung sent letters to all village administrators instructing them to enforce the curfew and to prohibit meetings with more than three people attending [under a Section 144 order]. The Chief is always either Rakhine or Bamar. We don't know his name because they are transferred after just a short time, it was a rotating position – never for long time. At village meetings they never have to introduce themselves because they think they are heroes.*⁶⁴

Repressive and Discriminatory Curfews

Section 144 of the Burmese Criminal Procedure Code ('s144') – emanating from the colonial period – provides a magistrate the power to declare states of emergency and suspend citizens' rights; in effect, to declare martial law. Since the enactment of Notification No. 2/89 by the Minister of Home Affairs in 1989, administrative councils (General Administrative Departments) now have this judicial power devolved to them. This is likely a breach of s11(a) of the 2008 Myanmar Constitution, which states: "The three branches of sovereign power namely, legislative power, executive power and judicial power are separated, to the extent possible, and exert reciprocal control, check and balance among themselves". An order by a magistrate is open to application for judicial review, no such avenue is available for orders made by an administrator. The routine nature of an s144 order, and a lack of procedural expiry date, renders it a tool of oppression of the Myanmar state. Breaches are covered by s188 of the colonial era Penal Code ('Disobedience to order duly promulgated by public servant'). Curfew Order No 1/2012, issued June 8, 2012 in Maungdaw Township by the General Administration Department imposed a 6am to 6pm curfew, and banned gatherings of more than four people. Sittwe Township General Administration Department followed suit on 10 June, with a curfew, and ban on association of more than four people but this order also banned congregations at mosques (with no mention of similar restrictions on Buddhist monasteries).⁶⁵ Despite the 60-day limit set down by the law, these orders are still in place today with more enacted since in northern Rakhine state. Melissa Crouch argues that there are three types of emergency, all of which require a prior s.144 order – 'type 2' is the one used predominantly in Rakhine state to target the Muslim population and was used for the first time in 2012 by President Thein Sein (Ordinance 1/2012, Declaration of Emergency, 2012) to confer all executive and judicial powers on the Commander-in-Chief of the Defence Services.⁶⁶

Sayed Karim, aged 29 from Kay In Tan village, Maungdaw township, said: 'Some people disappeared if they were out after curfew'.⁶⁷ From October 2016, Rohingya required increasing layers of permission to travel beyond their villages. According to Ismail Mohammed, an elder from Zo Pa Ran (Tha Bay Daw) village, Rathedaung township:

*To move between villages costs around 5,000 kyat.⁶⁸ To move between townships, we must go through three steps and it costs 20,000 kyat. We first have to get permission from the village administrator, then from the BGP camp, and finally authorisation from the township administrator and immigration department.*⁶⁹

⁶³ While martial law was not formally imposed, many of its repressive measures were applied to the Rohingya in this period.

⁶⁴ Interview with Mohammed Shoaib, Kutupalong camp, 3 November 2017.

⁶⁵ Crouch, M, 'The Everyday Emergency: Between the Constitution and the Criminal Procedure Code in Myanmar', in Andrew Harding (ed.) *Constitutionalism and Legal Change in Myanmar*, (Oxford: Hart Publishing, 2017), pp.157-172.

⁶⁶ Ibid.

⁶⁷ Interview with Sayed Karim, Nayapara community centre (new arrivals area), 1 November 2017.

⁶⁸ Myanmar kyat: GBP£1=2,000 kyat, USD\$1=1,400 kyat (approximate, at date of publication, floating exchange rate).

⁶⁹ Interview with Ismail Mohammed, Balukhali camp, 30 October 2017.

He said that all the payments were 'informal' or bribes, and that the process became so expensive and demoralising that he and his friends simply 'stopped moving'. This and other testimony gathered by ISCI was corroborated by The Rohingya Survey 2017, published by Xchange Research Migration and based on 1,360 testimonies collected from Rohingya refugees in Cox's Bazar, Bangladesh.⁷⁰ Many of those surveyed described curfews on their villages or restricted movement imposed by the security forces, and said the restrictions intensified after 25 August 2017. They also described restrictions that amounted to house arrest enforced by a network of checkpoints and bureaucratic measures.

In the context of harsh restrictions, Myanmar security forces and Rakhine extremists increasingly stole from Rohingya and looted their property. Shamsha Begum, a 48-year-old woman from Naya Para village, Buthidaung, told ISCI in November 2017:

*It was difficult because we couldn't move, go to the market, from one village to another. We couldn't go to Buthidaung if we needed treatment. The army came to our village and looted many things, like cows, goats, chickens. I recognized some of them, but some [soldiers] were new. This had been going on for ten to 20 years, but it has been very tight since the incidents in Akyab [Sittwe] in 2012. The problems got even worse around a year ago.*⁷¹

ISCI interviews with Rohingya revealed an intensifying pattern of restrictive and coercive measures in the months leading up to August 2017. These exclusively targeted the Rohingya.

According to Sultan Ahmed, the Rohingya village administrator for Tula Toli, corruption, the threat of violence and collective punishment had become facts of life – facts the Rohingya were forced to accept in order to secure basic rights and services:

*Most of the time the Rakhine village administrator cooperated with the BGP in extorting money from the villagers... they were extorting money in different ways – they would say "your son went to Bangladesh illegally" or ... "your son tried to attain training with the RSO [Rohingya Solidarity Organisation]". If someone cannot pay, they are arrested and sent to jail... When I was elected [village administrator] I realised that the Rakhine village administrator had stolen 400 million kyat – there was no one among the Rohingya community that wasn't stolen from. Sometimes it would be 100,000, up to a maximum of 400,000. Before I was village administrator, I had paid 3.5 million kyat to the village administrator.*⁷²

Rohingya were forced to pay extortionate taxes at rates far higher than their Rakhine neighbours. According to Noor Amin, village administrator of Kyauk Lagar village, Maungdaw, the Rohingya were over-taxed in every aspect of business:

*We have to pay to the municipal office, twice per year minimum, 15,000 kyat – the tax is based on the size of the shop, not the profit. The Rakhine pay only income tax once per year. If the government is collecting tax, officially it is around 5,000 kyat per year but the Rohingya people have to pay 10,000, 20,000 or 25,000 kyat. The corruption Rohingya suffer in relation to the payment of taxes doesn't apply to the Rakhine people. If it's on the invoice as "5,000 kyat", then that is all the Rakhine will have to pay.*⁷³

Roshid Ahmed, aged 40 from Kyaung Taung village tract, Buthidaung, described the suffocating restrictions imposed on all walks of life after October 2016:

*Business restrictions, movement restrictions... Rohingya people were not allowed to go downtown to buy materials for their shops. I had two shops, a tea shop and a grocery store. I wasn't allowed to visit relatives in other villages. Initially we could go to the village administrator [if we wanted to travel] but after June 2017 the village administrator stopped giving authorisations.*⁷⁴

⁷¹ Interview with Shamsha Begum, Kutupalong camp, 3 November 2017.

⁷² Interview with Sultan Ahmed, Balukhali camp, 4 November 2017.

⁷³ Interview with Noor Amin, Leda camp, 1 November 2017.

⁷⁴ Interview with Roshid Ahmed, Kutupalong camp, 3 November 2017.

Another Buthidaung resident, Esouf Ali, a 46-year-old bamboo trader who lived in Nga Yant Chaung village tract, explained how the increased restrictions had devastated the ability of Rohingya to earn a living:

In Buthidaung north, bamboo harvesting is the main business. The authorities don't issue licences to Rohingya people for cutting wood or bamboo, or car licences. I have a licence for my business, but it's in the name of a Rakhine... These restrictions have been in place since 1982. We can't own anything ... After 9 October 2016 we weren't allowed to do any business, so I started to think that I would have to go somewhere else. My shop has been closed since 9 October because all my labourers were Rohingya and since then they couldn't go to the forest or mountain to cut wood. I had 300 people working for me, all Rohingya.⁷⁵

Sayed Karim had arrived in Bangladesh the day before his interview with ISCI researchers in Nayapara community centre, 1 November 2017. He fled his village of Kay In Tan in Maungdaw township following the burning of Dil Para, an adjacent village. He described the increasing impact of the post-October 2016 restrictions, highlighting the financial impact for Rohingya businesses. With no banks in Buthidaung and Rathedaung, Rohingya people could access only the three banks in Maungdaw. He said that even this was made virtually impossible by new travel restrictions imposed on the Rohingya.

According to Juhar Mohammed, the Rohingya village administrator in Zo Pa Ran (Tha Bay Daw), northwest Rathedaung:

[In May 2017], a written order was issued by the Rathedaung township administrator instructing Rohingya villagers not to go to the forest to cut wood, not to go to the river to fish... Some people did go fishing and a Rohingya fisherman was killed by Rakhine. His name was Shori Hussin from Tha Bay Daw. We tried to find his body but the military prevented us.⁷⁶

After October 2016, according to a number of interviewees, Rohingya requests to build houses and civic, religious and cultural centres were in effect denied, and the discriminatory regulations developed into an outright ban in the months before the final military onslaught. A Maungdaw village administrator from Maya Para (Yaw Thi) explained:

Before 9 October, if we wanted to build a house, there was a system. If you wanted to build a small house, you could get an order, you would have to pay the army, the BGP and other groups. You couldn't build a big house though... After 9 October we were not allowed to build any house, madrassa [Islamic school], etc. If we did, we would be sent to jail.⁷⁷

The stifling restrictions enabled the Myanmar state to use one of its most pernicious tools of genocide, the denial of food, as a weapon. Mohammed Hassan, Maya Para (Ywa Thi) village administrator told ISCI:

In our village, the main two income sources are the mountain and the river. People bring wood from the mountains and fish from the river to sell at the market in order to buy vegetables and rice, etc. The government restrictions on us had a huge impact. We had very horrible conditions this last year, we just survived by sharing food between us villagers.⁷⁸

Rahima Khatu, a 35-year-old woman from Chut Pyin village, described the deterioration of conditions precipitated by the restrictions:

Our lives had become more difficult. We were not allowed to go to buy or sell at the market, we couldn't go to the river to fish. We survive by selling wood. If we're not allowed to go to market to sell, that means we have difficulty buying anything. We couldn't get wood from the forest. We were stuck in our homes. We felt like we were in jail, prisoners in our homes. Food was difficult to find. During this period, some suffered severe diarrhoea and needed to go to hospital but weren't allowed. Some pregnant women faced real difficulties with delivery, but they weren't able to go to the hospital.⁷⁹

⁷⁵ Interview with Esouf Ali, Kutupalong camp, 3 November 2017.

⁷⁶ Interview with Juhar Mohammed, Kutupalong camp, 31 October 2017.

⁷⁷ Interviewed in Balukhali camp, 2 November 2017 (anonymity requested).

⁷⁸ Interview with Mohammed Hassan, Balukhali camp, 2 November 2017.

⁷⁹ Interview with Rahima Khatu (group interview), Thankhali camp, 31 October 2017.

ISCI's interviews revealed an increasingly squeezed Rohingya population whose opportunities after 2012 to earn a living, access health care and education, and secure adequate food were at first gradually and then rapidly eroded, particularly after 9 October 2016. Interviewees described a situation of enforced starvation. Ayas Mohammed from Nga Kyin Tauk, a village near a military base in Buthidaung said:

There was a curfew for 15 days. The military didn't let us get proper food. Some children died from starvation; 14 died altogether, 5 women and 9 children. Some 1,300 families lived in the village. The military told me "we won't attack you, you can stay and you will be safe".

At first, in the 15 days of the curfew, the Rakhine and the military stole everything, gold and money, the Rakhine stole the cows and goats. After 15 days, when people were dying of starvation, the military gave 10kg of rice per family, this is rice they stole from us in earlier raids. While giving the rice, they [the Myanmar army and the Rakhine] took photos of the rice distribution, some Rakhine were helping with the distribution. After they finished taking the photos they took back the rice and oil.⁸⁰

The increased restrictions facilitated a significant rise in state violence, deepening the cycles of extortion and intimidation. A village administrator explained:

One man, Abdul Kadar, from my village went to the forest to get wood one day. He was arrested by the military. The next morning... I went and gave [the military] 50,000 kyat and 10kg of beef. Abdul had been seriously beaten by the military. His body was swollen when I got him and he was in a lot of pain. We had to get medicine from the pharmacy in our village to treat him. There is no doctor in our village.⁸¹

Tula Toli village administrator Sultan Ahmed described the arrest of two fellow villagers for 'crossing to Bangladesh illegally':

One had a beard, that's why he was suspected, and one was a child attending madrassa in another village. They were brothers... They were arrested five months ago on their way home from the madrassa in another village and were sent to jail in Buthidaung, downtown west.⁸²

Dil Mohammed, aged 46, saw both boys tortured at the checkpoint:

I am from a different Maungdaw village and the checkpoint is right in front of my home, near the camp, that's how I saw it. I saw them tortured by BGP first, then they were handed over to the Sarapa [military intelligence] camp which is near my village, Kyin Chaung [Buli Bazar in Rohingya language].⁸³

⁸⁰ Interview with Ayas Mohammed, Cox's Bazar Sadar Hospital, 29 October 2017.

⁸¹ Interviewed in Balukhali camp, 2 November 2017 (anonymity requested).

⁸² Interview with Sultan Ahmed, Balukhali camp, 4 November 2017.

⁸³ Interview with Dil Mohammad, Balukhali camp, 4 November 2017.

3.2 MILITARISING NORTHERN RAKHINE STATE

Indicative of the planned nature of the genocidal ‘clearance operations’ was the further militarisation of northern Rakhine state, which began well before 9 October 2016 and then rapidly increased. As shown by the testimonies, the militarisation was accompanied by a sharp rise in torture and other human rights abuses.

Myanmar army

New military command centres were established in schools and other public buildings in the build-up to the annihilation, often on the outskirts of Rohingya villages. Government officials described the securitisation as a response to terror attacks, but in reality the restrictions appeared designed to weaken the Rohingya and force them to accept the NVC.

Mohammed Shaker, aged 25 from Chein Khar Li, Maungdaw township, said:

They built a big military camp near my village at the foot of a mountain. It housed both BGP and the army. They started to build it sometime in 2015, and it was finished just before October 2016. It is a big military cantonment. Maybe 300-350 BGP and the same number of soldiers, so approximately 700 personnel in total... they built the BGP camp nearby to oppress us. They also built a road as part of this, but they wouldn't let Rohingya use it. Only the Rakhine, the BGP and the military could use that road.⁸⁴

Rahamed Allah, a 52-year-old village elder from Kyaut Pyaung (North), Rathedaung, described how a military camp was established in October 2016 at the instigation, he believes, of a Rakhine village administrator:

There was a military check post close to our homes... a camp covering about ten villages. One month before the attack, there were about 400 military, 30 BGP forces and about 60 Rakhine living there and they were always threatening us. They made a curfew for us and we couldn't move from village to village. While the camp had been established 12 months earlier its population grew significantly in the period before the attacks.⁸⁵

54-year-old Ismail Mohammed from Zo Pa Ran (Tha Bay Daw) told ISCI that three military battalions in Rathedaung - battalions 536, 537 and 538 - increased in size after 9 October.⁸⁶

According to northern Rakhine state residents interviewed, the deployment of troops again intensified as the launch of the genocidal operations in August 2017 approached. Rohingya village administrator Rashan Ali said that a month before the devastating attack in August 2017 on his village of Chut Pyin (the Rohingya part) in Rathedaung, the army established itself in the middle school of Chut Pyin (the Rakhine part) just a five-minute walk away.⁸⁷ Rashan Ali said there were 150 to 200 soldiers based in the school. The BGP camp in the Rakhine part of the village had been established following the Sittwe pogroms of 2012.

Rashan Ali said that extortion was the modus operandi of the soldiers based in northern Rakhine state:

If they went out patrolling during the day they went back to the school in the evening... the military and the BGP demanded food, buffalos, chickens, goats and cows [from us]. Later, they simply stole the animals and food.⁸⁸

⁸⁴ Interview with Mohammed Shaker, Bulakhali camp, 2 November 2017.

⁸⁵ Interview with Rahamed Allah, Thankhali camp, 31 October 2017.

⁸⁶ Interview with Ismail Mohammed, Balukhali camp, 30 October 2017.

⁸⁷ Interview with Rashan Ali, Thankhali camp, 31 October 2017.

⁸⁸ Ibid.

This type of criminality, combined with other abuses by the army in the context of the curfew, had the effect of economically weakening and ultimately starving the Rohingya.

In the weeks leading up to August 2017, the army and BGP played a key role in dictating and enforcing the s.144 curfew restrictions. Esouf Ali from Buthidaung described the impact on Rohingya of the s.144 orders and corresponding military build-up:

We were always afraid of arrests and on several occasions we hid. Sometimes we would not sleep at home for fear of arrest.⁸⁹

The army used other methods to drive the Rohingya from the country. Zura Begum, a woman from Zay Di Taung, Buthidaung township, said:

Every day the Rakhine and army would come to the village and ask us to leave, snatch women, prevent us from harvesting our own paddy, forcing us to take the NVC.⁹⁰

Rohingya leaders described to ISCI a concomitant increase in rapes, sexual assaults, arbitrary arrests and disappearances. Sultan Ahmed said:

The [Rakhine] village administrator would, for example, originally accuse you of one thing, travelling to Bangladesh say, then he would change the case if there was evidence for any charge so that you would be sent to jail anyway. Some people were killed during torture. Two people from my village were sentenced to jail for 17 years for non-payment of a bribe: there were two accusations of training with RSO in Bangladesh... One for cooperating with the RSO [12-year sentence], another for illegally crossing the border [five-year sentence]. But these were fabricated charges.⁹¹

Juhar Mohammed, from Zo Pa Ran (Tha Bay Daw) village in northwest Rathedaung, interviewed in Kutupalong camp, 31 October 2017 said:

On 8 September [2017] more than 170 BGP and military from Battalion 33 Sagaing Division came to our village. This is the worst battalion in Myanmar. Then the military commander came to me and told me: (1) they will check every home in my village, and (2) 50 people will be arrested according to the military.

I was warned to cooperate. The military commander threatened me. I gave a guarantee to the military, taking responsibility for my village because no one here cooperated with [ARSA]. The commander threatened me by putting a pistol to my head and said, "You are lying". At 10am on 8 September my brother [a mullah] was beaten unconscious by the military commander with his pistol – "You must give five million kyat and if you can't we will torch your village". We found three million kyat and gave it to the commander and the military left.

Media reports too recorded the militarisation process. According to Press TV, on 10 August 2017, 'the government had deployed some 500 troops to several towns, including Buthidaung and Maungdaw, near the border with Bangladesh'.⁹² A military officer, on condition of anonymity, told Press TV that: 'Many battalions with hundreds of soldiers from central Myanmar were deployed to the Mayu mountain range'.⁹³

89 Interview with Esouf Ali, Kutupalong camp, 3 November 2017.

90 Interview with Zura Begum, Balukhali camp, 2 November 2017.

91 Interview with Sultan Ahmed, Balukhali camp, 4 November 2017.

92 Press TV, 'Myanmar govt. imposes fresh curfews in Muslims-majority state', 12 August 2017: <http://www.presstv.com/Detail/2017/08/12/531548/Myanmar-Rohingya-Muslims-Rakhine-curfew-troops-UN>. Accessed 9 April 2018.

93 BROUK, 'Timeline- Killings and Massacre January 2014, Maungdaw, Rakhine State'.

Border Guard Police (BGP)

For many of the Rohingya interviewed, the BGP represented the most threatening and immediate security force in the run-up to the onslaught. They said that even though martial law had not been formally imposed, it felt as if it had been. Esouf Ali said:

We are most afraid of the BGP. If the BGP need more force, they call the army. The BGP are the leaders of the operation. There were some restrictions after 9 October. The attacks then happened in Maungdaw, but we still suffered restrictions here in Buthidaung. Martial law was imposed, Section 144 curfew from 6pm to 6am. It did not apply to Rakhine, only Rohingya. Rakhine can move at any time, even at night, because they are citizens.

Martial law also means that you cannot move from one village to another. The authorities ordered us not to go out during curfew. They told us that if they found someone out, they would kill them. We also could not go to the mosque... we were not allowed to sit with more than five people together. These restrictions started from around 9 October 2016. Since then we also were not allowed to go from village to village, for visiting or for business.⁹⁴

Anyone who breached the curfew faced brutal consequences. Esouf Ali continued:

If we did, we were accused by the BGP or the village administrator of collaborating with ARSA. Around 1,500 people from Buthidaung downtown and north have been arrested in relation to this. I saw many arrested people because they were brought via boat to the prison at the BGP camp near my village. Men and women were arrested. Some women had small children with them, which they had to bring as they could not leave them at home. Some were sent to Sittwe, or Buthidaung jails, some are already dead.

They tortured these people a lot. The BGP usually tortures them at the time of arrest, then they're taken to jail. I saw some dead bodies at the BGP camp, after they had been tortured. Sometimes they would return the dead bodies to families, if they lived close... I saw this. Otherwise they would throw the bodies away. I saw three bodies with my own eyes. I think around 200 people were killed in that BGP camp.

Rakhine nationalists

Rakhine nationalists were emboldened by the militarisation of northern Rakhine state and the government's explicit persecution of the Rohingya. Some of the more extreme elements later participated in terror attacks on Rohingya communities.

Relations between the Rohingya and Rakhine had become increasingly strained after 2012, when Rakhine nationalism exploited the sharp rise in officially sanctioned discrimination against the Rohingya.⁹⁵ Consistent with testimony collected by ISCI in 2014⁹⁶, Rohingya interviewees recounted many stories of shared lives with their Rakhine Buddhist neighbours, relationships that until June 2012 were rarely hostile.

⁹⁴ Interview with Esouf Ali, Kutupalong camp, 3 November 2017.

⁹⁵ Evidence collected by ISCI in 2014/15 suggests the Myanmar authorities manipulated legitimate Rakhine grievances against the state and channelled these against the 'Bengali enemy'. See, Green, P, MacManus, T and de la Cour Venning, A, *Countdown to Annihilation: Genocide in Myanmar*, p.31.

⁹⁶ Ibid.

Mohammed Yeleys from Nga Yant Chaung, Buthidaung township, explained:

*Before [2012], the relationship between Rakhine and Rohingya was good, but for the past five years it has not been so good because they now call us Bengali, and we are Rohingya. That's the main problem. It started five years ago because of the election. If anyone calls us "Kalar" or "Bengali", we feel very bad. We hate these two words. They don't want us to stay in Rakhine state anymore. They're using their power against us. They hate us.*⁹⁷

This power is seen to emanate from collusion with the Myanmar army. 'If the military did not give power to the Rakhine, they would not do these things', said Zura Begum.⁹⁸

Tensions close to the surface were easily exploited. Noor Amin, a 49-year-old Rohingya village administrator from Kyauk Lagar village, Maungdaw township, explained:

*Communication with some Rakhine, my friends, was good, but only with my friends, not with the rest. I don't have access to communicate with my Rakhine friends now. No Rakhine tried to help me. The Rakhine community wants to remove us from the area.*⁹⁹

Alongside the Myanmar state's long-running propaganda campaign stirring up ethnic and religious hatred, discriminatory political structures had prepared the ground for hostility between Rakhine and Rohingya communities. The ISCI team interviewed 12 Rohingya village administrators, all of whom played the same local political role as their Rakhine counterpart. While all Rakhine village administrators were paid for the role, the 'informal' Rohingya village administrators were not.

Noor Amin said his Rakhine counterpart received a salary of 70,000 kyat plus office expenses, whereas he received only office expenses, some of which were taken by government clerks. Similarly, Tula Toli's village administrator Sultan Ahmed said his Rakhine counterpart, with whom he worked in the same office, received a salary from the government but he did not.¹⁰⁰

Those interviewed by ISCI said that Rakhine village administrators made all official local decisions. The authority of Rohingya administrators was determined by the relationship between the two post-holders. If relations were cordial, then a Rohingya administrator might be left alone to settle local disputes or make decisions affecting the Rohingya villagers.

Rashan Ali, the Rohingya village administrator from Chut Pyin (Rohingya) village, Rathedaung, said that his relationship with his Rakhine counterpart was good until July 2017, and had been excellent before 2012.¹⁰¹ Village administrator Esouf Ali said that before August 2017, he had shared a wood and bamboo business with the 'official' village administrator and they had jointly run a shop.¹⁰²

For Tula Toli village administrator Sultan Ahmed, however, the deep-rooted discriminatory structures meant he had 'no authority to take any decisions'.¹⁰³

Interviews revealed that in the weeks before the 2017 genocidal 'clearance operations', some Rakhine grew more hostile, confident that they would be protected by the Myanmar army and BGP. Zura Begum, described the change:

*Earlier the Rakhine lived not so close to us, but then they became close... The Rakhine started building houses near my house, which is also close to the mosque. Rakhine civilians would then throw stones at the mosque. We would ask, "Why are you throwing stones at our mosque? We do not throw stones on your temple." They would reply, "We hate you, you are not from here, you have to go".*¹⁰⁴

97 Interview with Mohammed Yeleys, Kutupalong camp, 3 November 2017.

98 Interview with Zura Begum, Balukhali camp, 2 November 2017.

99 Interview with Noor Amin, Leda camp, 1 November 2017.

100 Interview with Sultan Ahmed, Balukhali camp, 4 November 2017.

101 Interview with Rashan Ali, Thankhali camp, 31 October 2017.

102 Interview with Esouf Ali, Kutupalong camp, 3 November 2017.

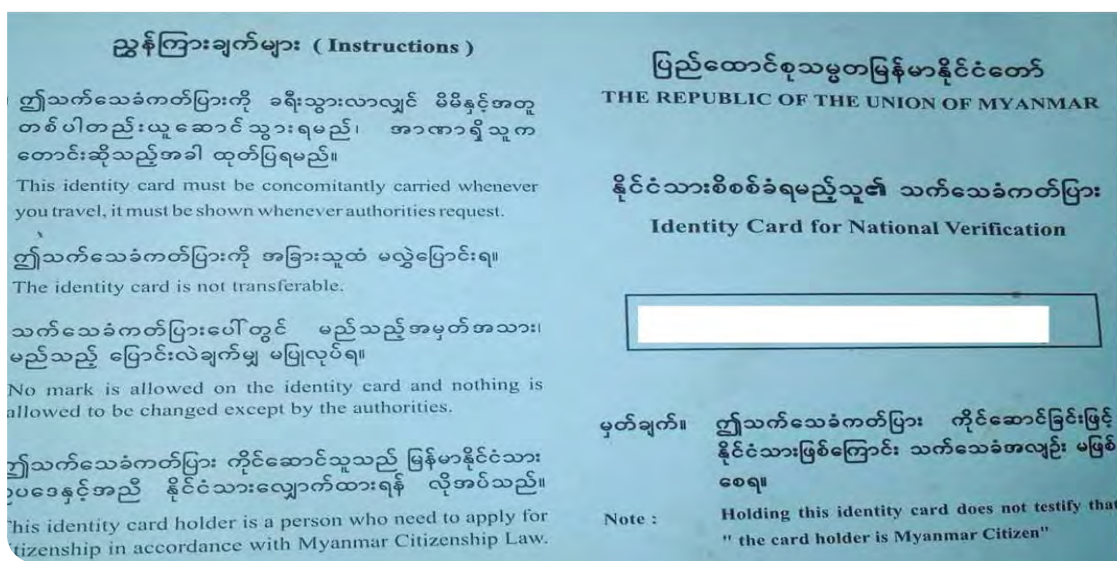
103 Interview with Sultan Ahmed, Balukhali camp, 4 November 2017.

104 Interview with Zura Begum, Balukhali camp, 2 November 2017.

3.3 NATIONAL VERIFICATION CARD (NVC): A QUIETER TOOL OF GENOCIDE

'The authorities said, "If you don't take the NVC you'll be restricted for medical services, business, education, movement, you can't own property".' – Noor Amin, village administrator from Maungdaw township.¹⁰⁵

Pivotal in the months leading up to August 2017 was the government's National Verification Process and specifically its instrument of exclusion, the NVC. The verification process, recommended and supported by the Kofi Annan Commission,¹⁰⁶ was presented by the Myanmar Government as 'the first step toward scrutinizing citizenship in accordance with the 1982 Citizenship Law'.¹⁰⁷ In fact, it was a crude attempt to involve the Rohingya in their own identity-denial and became a vigorously pursued non-violent means of genocidal coercion, always reinforced by the threat of violence. Almost everyone interviewed by ISCI referred to the intense pressure they were put under to adopt the NVC.



National Verification Card (NVC)

The NVC, unlike the identity cards that preceded it,¹⁰⁸ does not require applicants to identify either their ethnicity or religion. Its purpose, however, remains the same. Point 4 on the card states: 'This identity card holder is a person who needs to apply for citizenship in accordance with Myanmar Citizenship Law'. As the Citizenship Law obliges the Rohingya, as a 'non-recognised race', to prove a continued ancestral presence in Myanmar before 1823, Rohingya claims to citizenship are generally administratively doomed, not least because:

- most documents that might demonstrate such a Rohingya lineage have been destroyed in successive pogroms or flights to safety;
- at each new iteration of the state's long-running verification process, Rohingya have been required to surrender existing documents; and
- authorities have been forcibly altering family lists over the years.¹⁰⁹

¹⁰⁵ Interview with Noor Amin, Leda camp, 1 November 2017.

¹⁰⁶ Advisory Commission on Rakhine State, 'Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine: Final Report of the Advisory Commission on Rakhine State' (English Version), August 2017: http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf, pp.26- 28. Accessed 9 April 2018.

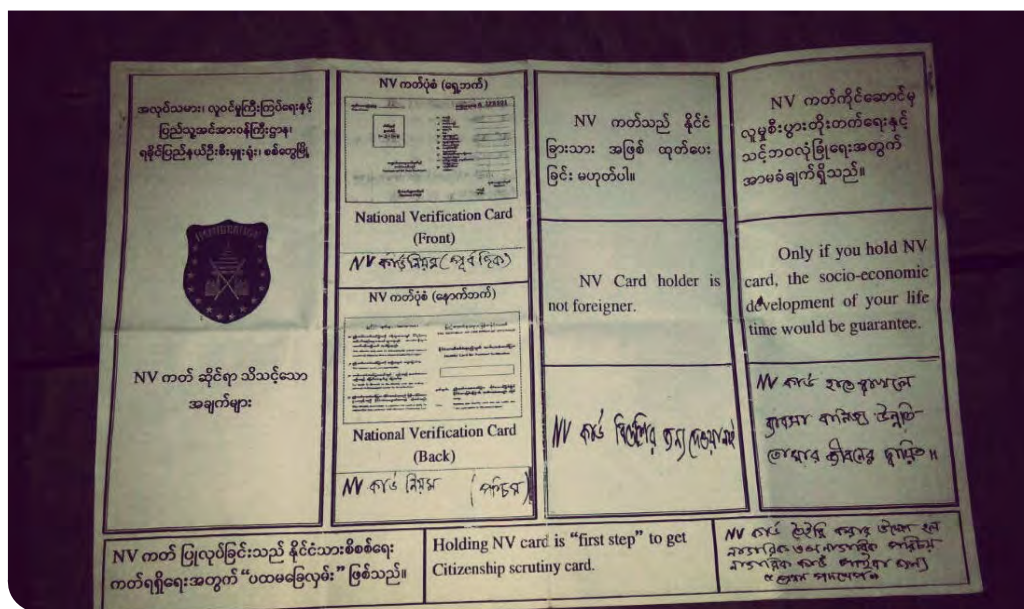
¹⁰⁷ The Republic of the Union of Myanmar President Office, 'NV process is first step towards citizenship', 29 October 2017: <http://www.president-office.gov.mm/en/?q=issues/rakhine-state-affairs/id-7868>. Accessed 28 February 2018.

¹⁰⁸ The Temporary Resident Card (white card) was replaced with the Identity Card of National Verification.

¹⁰⁹ In 2014/15 ISCI researchers were shown ID cards and family lists which included the word 'Rohingya'. In some instances, Myanmar officials had reportedly crossed out 'Rohingya' and replaced it with 'Bengali'. See, Green, P, MacManus, T and de la Cour Venning, A, *Countdown to Annihilation: Genocide in Myanmar*, p.57.

The NVC declares the holder to be a non-Myanmar citizen. It is neither a guarantee nor a gateway to citizenship as the government disingenuously implies. Rather, it is yet another genocidal mechanism designed to exclude and remove Rohingya from the sphere of state obligation.¹¹⁰

Its intentions become even more transparent when considered in light of the state's long history of institutionalised denial of Rohingya identity. According to the Arakan Project the state has not formally registered Rohingya births since 1994.¹¹¹ A new government policy introduced in December 2015, 'Requirements for the programme which will affect the addition of children born to people of Bengali nationality to the list of births on the household population list' further restricted the possibility of Rohingya birth registrations.¹¹² In central Rakhine state, institutionalised identity denial is even more pronounced. Family lists¹¹³ have not been updated since 2012 – by virtue of state-imposed confinement to prison villages, ghetto and detention camps, Rohingya there are prohibited from travelling to local township offices to fulfil administrative requirements and officials have failed to collect the necessary data.¹¹⁴ Several Rohingya refugees interviewed by ISCI reported that the Myanmar state maintain family lists and the only way a Rohingya family could add a baby's name to the list was to bribe local officials. According to Mohammed HZ, after 2012 it became impossible to update family lists, even through bribery.¹¹⁵ The non-registration of Rohingya children and the official negation of their existence reflects a significant yet 'invisible' form of intentional identity destruction.¹¹⁶



Government propaganda on NVC (Source: Rohingya Vision) – 'Only if you hold NV card, the socio-economic development of your life time would be guarantee.'

In 2017, the government appointed a steering committee specifically to issue NVCs to 'those who will undergo verification for citizenship'¹¹⁷. This committee is primarily made up of members of the military controlled by the Ministries of Home Affairs, Defence, Security and Border affairs – the same military institutions involved in the genocide of Rohingya.

110 After 18 months, the Republic of the Union of Myanmar President Office reported: "More than 7,000 cards have been issued to villagers in Rakhine State" – about 0.5% of the Rohingya population. See, The Republic of the Union of Myanmar President Office, 'NV process is first step towards citizenship'.

111 The Arakan Project, 'Issues to be Raised Concerning the Situation of Stateless Rohingya Women in Myanmar (Burma)'.

112 Amnesty International, 'Caged without a roof: Apartheid in Myanmar's Rakhine State', November 2017: <https://www.amnesty.org/en/latest/news/2017/11/myanmar-apartheid-in-rakhine-state/>, p.35. Accessed 9 April 2018.

113 Family lists were used by the military during the genocidal 'clearances'. Many of those ISCI interviewed reported that the security forces used the absence of a male family member as 'evidence' of collaboration with the insurgents.

114 Ibid, pp.36-37.

115 Interview with Mohammed HZ (pseudonym), Balukhali camp, 31 October 2017.

116 For further examples of attempted Rohingya population control see also, Green, P, MacManus, T and de la Cour Venning, A, *Countdown to Annihilation: Genocide in Myanmar*, pp.72-73; and, Fortify Rights, 'Policies of Persecution, Ending Abusive State Policies Against Rohingya Muslims in Myanmar', pp.24-30.

117 The Republic of the Union of Myanmar Ministry of Information, 'Formation of the Steering Committee for issuance of National Verification Card (NVC) in Rakhine State for those who will undergo verification for citizenship', 9 February 2017: <http://www.moi.gov.mm/moi:eng/?q=announcement/9/02/2017/id-9873>. Accessed 9 April 2018.

A Rohingya village administrator from Maungdaw told ISCI:

The NVC is very bad. We don't want to accept because we are the people of Arakan [Rakhine], of that land. If the government wants to give us documents, they should give us our nationality cards, not the NVC. The NVC is a card to apply for citizenship, but we deserve to have citizenship already, directly. I also heard that if we accept the NVC, our property no longer belongs to us, and that we cannot travel far away with this card. If we accept the NVC, it would demonstrate that we are not people from here. And then if the government wanted to push us out later, then they can.¹¹⁸

ISCI's evidence suggests that when village leaders publicly resisted the verification process and conveyed the ultimate purpose of the NVC, there was little to no take up. As a result, pressure to adopt the NVC deepened in 2016 and 2017. Sultan Ahmed explained:

I attended five [official] meetings where the NVC was mentioned before I fled on 30 August. The Rakhine village administrator led the meetings, the BGP and the military were always present... the rest of the BGP and soldiers present provided security for the meetings. At every meeting there was a speech about the NVC.

There were also some meetings in the village pushing the NVC. During these meetings in my village, I would ask, "Why do I have to take the NVC, my father and my grandfather were born here, why should I take it, it's meaningless for us as it claims we are illegal?" The NVC is only for illegal immigrants. We are not illegal immigrants. I wanted to ask these questions at the township administration meeting but I was fearful of arrest so I didn't.¹¹⁹

Fear and the mounting pressure made some administrators agree to take the NVC 'message' back to their villages. One of them, Noor Amin, said:

Things started to change in 2012. The government started pushing us to take the NVC. The authorities called meetings frequently regarding the NVC. They said, "You people need to apply for the NVC" and "If you do not take the NVC we will not allow you people to go to university or make business". Immigration officials would come with BGP... [so] I told the officials, "I will share the information with the villagers".¹²⁰

For the vast majority of Rohingya, acceptance of the NVC was tantamount to self-denial. As Zura Begum, a young woman from Buthidaung township, said:

The NVC means that we are Bengalis. If I take it, it means I am a guest here. We tell them, "We are Rohingya, we will not take this card..." I was born from a Rohingya woman, a Rohingya family, I am Rohingya, so why would I take the NVC, even if they try to force me?¹²¹

Mohammed Shoaib from Thin Ga Net in Buthidaung told ISCI:

Before 25 August the Rakhine female teachers were sent to every village to share information about the NVC. They said, "You have to take the NVC and you cannot be Rohingya". But we are Rohingya, we won't take the NVC – we are Rohingya!¹²²

118 Interviewed in Balukhali camp, 2 November 2017 (anonymity requested).

119 Interview with Sultan Ahmed, Balukhali camp, 4 November 2017.

120 Interview with Noor Amin, Leda camp, 1 November 2017.

121 Interview with Zura Begum, Balukhali camp, 2 November 2017.

122 Interview with Mohammed Shoaib, Kutupalong camp, 3 November 2017.

Mohammed Shaker from Chein Khar Li, Maungdaw township, said:

The NVC “proves” that we’re not from Myanmar, that we’re from another country and so have to apply for citizenship. So why would we take that card? If we accept the NVC then we must no longer be from our land of origin... The government doesn’t want us to prove that we are people of Burma, they want to prove that we are... illegal immigrants from Bangladesh.¹²³

Sayed Karim from Kay In Dan village, Maungdaw township, added:

If I take the NVC, it automatically means that I am an illegal immigrant. It would mean that I can’t own land, even if I have proof of ownership! The authorities could take it back from me at any time since I would not be a citizen. I owned my land back in Maungdaw and I have the papers.¹²⁴

Many Rohingya saw the NVC as a mechanism for state and Rakhine appropriation of their land. Esouf Ali said:

The Rakhine are citizens, we are not. They want to push us to take the NVC card. But if we do, we cannot own property. So it’s a good chance for them, the Rakhine, to take our property. For a year and a half, the government has been pushing us to take the NVC.

If we take the NVC we cannot be the owner of anything... The authorities can take my property at any time. We still have some documents in our name, even though we have no NVC, land tax receipts, etc. I also lease paddy fields and have land tax receipts for this. I have read the NVC law and it imposes many restrictions. The government is trying to make us stateless.¹²⁵

Many Rohingya cited intimidation to sign up to the NVC as the primary reason behind their flight to Bangladesh. Sayed Karim from Kay In Dan village, Maungdaw township, for example, said:

The main reason we fled was because we were being forced to take the NVC but we don’t want it. The township administrator, police, and immigration were forcing us to take the NVC.¹²⁶

Despite the intense pressure on Rohingya to accept NVCs, the majority stayed in their homes, steadfastly refusing to comply with their own administrative destruction. Meanwhile, the Myanmar army presence increased. The stage was set for annihilation.

3.4 INTIMIDATORY VILLAGE MEETINGS

‘We burn, we kill’ – the words of Commander Saing Myo Aung, Battalion 33 (Sagaing Division) at a meeting on 11 August 2017, according to Juhar Mohammed, a Rohingya village administrator who was at the meeting.¹²⁷

In the weeks and days leading up to the start of the ‘clearance operations’ on 25 August 2017, the army and BGP instructed Rohingya village administrators and other Rohingya to attend meetings. The primary purpose of the meetings was to instil fear and impose even greater restrictions on the movement and capacity of Rohingya to live normal lives.

¹²³ Interview with Mohammed Shaker, Balukhali camp, 2 November 2017.

¹²⁴ Interview with Sayed Karim, Nayapara community centre, 1 November 2017.

¹²⁵ Interview with Esouf Ali, Kutupalong camp, 3 November 2017.

¹²⁶ Interview with Sayed Karim, Nayapara community centre, 1 November 2017.

¹²⁷ Interview with Juhar Mohammed, Kutupalong camp, 31 October 2017.

Juhar Mohammed from Zo Pa Ran (Tha Bay Daw), northwest Rathedaung, described the meeting he attended on 11 August 2017:

[The Commander] said he had received instructions directly from Senior General Min Aung Hlaing ... that "bad people" were cooperating with ARSA in Rathedaung and that "we are here to destroy the bad people". They called leaders from eight villages – two mullahs, one elder, and one administrator from my village. There were around 35 people at the meeting. There were security checks made on our bodies and our phones were taken. Those who couldn't understand Burmese were ordered to leave... The Commander demanded cooperation with the military in seeking out "bad people". We replied that there were no such people in the village. The commander replied – "if you don't cooperate we'll burn your villages and kill you all".¹²⁸

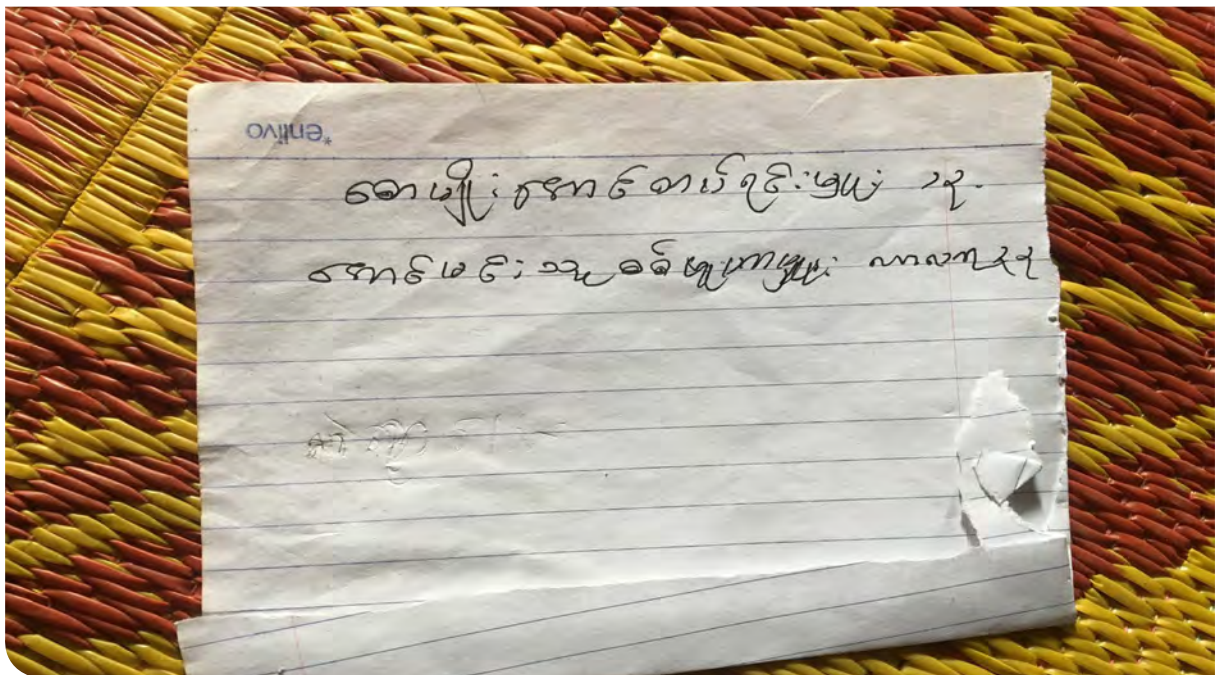
Such meetings were aimed exclusively at the Rohingya population; Rakhine villagers were not included, although in some instances Rakhine village administrators were present and occasionally led the meetings.

At the meetings, predominantly led by either military commanders or BGP chiefs, villagers were variously ordered to abide by the curfew under threat of death, instructed not to meet more than five people at a time, and told they had to accept the NVC and cooperate at all times with the security forces.

In the village of Chut Pyin, a site of one of the worst massacres (see Chapter 4, section 1), Rashan Ali described a meeting held on 10 August:

They ordered other villagers in Rathedaung township not to leave their villages. This applied to all Muslim villages. We were ordered not to go fishing and not to go to the mountains or forest to chop trees for wood, not to go to market, or anywhere.¹²⁹

Rashan Ali wrote down the names of the commanders on a small piece of paper (see picture below). He said that of the 29 people who had been invited, only nine understood Burmese, so the rest had to leave. He continued:



A note given to ISCI by Rashan Ali, the former village administrator of Chut Pyin, on which he had written the names of the army commanders who he said led threatening meetings to force villagers to accept the NVC.

¹²⁸ Ibid.

¹²⁹ Interview with Rashan Ali, Thankhali camp, 31 October 2017.

[We] asked, "how can we support our lives?" and the military said: "We don't want to hear anything from you, just follow our orders... If you don't follow orders, if we find someone at the market, river, forest, out of the home, we will shoot... We don't want to listen to your questions, we don't care if you're alive or dead, just follow our orders". We were ordered to pass the message on to the other villagers.¹³⁰

Residents of Chut Pyin remained under house arrest until the military surrounded the village and attacked on 27 August. During this period, some people had tried to leave to find food; five of them were arrested and killed for breaching the curfew. Rashan Ali said: 'The military and BGP slaughtered them, they cut their throats and left the bodies just outside the village'.¹³¹

The same pattern was seen in Tula Toli. According to village administrator Sultan Ahmed, two important village meetings were called – on 18 and 22 August 2017:

During the second village meeting, which was led by the Rakhine village administrator, as well as being pushed to accept the NVC, we were asked to agree a number of points: for example, if someone comes to the village, Myanmar army, Rakhine, BGP, "you must not attack them and you people must sign an agreement to that effect". I signed it.

Also, we were ordered not to leave our homes – not to go to the forest, the river, to go to the market, the curfew was no longer limited, it was 24-hour... At the time I thought, "they want to kill us, they want to find us at home and then they'll kill us".¹³²

At the meeting on 22 August, Sultan Ahmed, along with the 50 Rohingya villagers present (only ten of whom could read Burmese), signed the agreement under duress, at gunpoint, to abide by the new, harsh restrictions. He said they were frightened, particularly by the presence of a powerful commander, the Rakhine village administrator and six police, all of whom had their rifles levelled at them. He added that it was made clear that all those at the meeting had to accept the NVC or they would be barred from living in the area.

The warning signs of the impending catastrophe were all too clear. Indeed, some interviewees described attacks in the days before 25 August. For example, Mohammed Usman, a 31-year-old Rohingya village administrator from Thin Ga Net village tract in Buthidaung township, named three Rohingya villages that he understands were attacked and burnt by the army and Rakhine extremists before 25 August. He said that Tanwi (Tami) village was burnt in July 2017 during an attack in which 'many people were killed'; and Nga Yan Chaung and Doine Sara (Da Bine Sara) were burnt after Tanwi but before 25 August.¹³³ Pharmacist Mohammed Shoaib from Gudaung Para (Guda Pyin) village, Buthidaung, had information of other Maungdaw villages that were burnt before 25 August.¹³⁴

Much worse was to follow.

¹³⁰ Ibid.

¹³¹ Ibid.

¹³² Interview with Sultan Ahmed, Balukhali camp, 4 November 2017.

¹³³ Interview with Mohammed Usman, Kutupalong camp, 3 November 2017.

¹³⁴ Interview with Mohammed Shoaib, Kutupalong camp, 3 November 2017.



Thousands of Rohingya in late August 2017 at Nakondu beach, northern Rakhine state, waiting for boats to cross over to Bangladesh. They could not retreat as the Myanmar army had laid landmines in the surrounding areas. At one point, up to 9,000 Rohingya were stranded on the beach. *Source: Rohingya refugee*

4. GENOCIDE'S DENOUEMENT

'We could not go to the mosque after 25 August 2017. There was a curfew from 6pm-6am. We weren't allowed to gather more than five people'– Ismail Mohammed, Zo Pa Ran (Tha Bay Daw), Rathedaung¹³⁵

At around 1am on 25 August 2017, according to ARSA, its forces attacked approximately 30 police stations in Maungdaw and Buthidaung, and an army base at Taung Bazar in northern Buthidaung.¹³⁶ The government stated that: 'On 25 August, extremist terrorist groups again launched sneak attacks on 30 police outposts in Maungdaw, Buthidaung and Yathedaung townships as well as against the Regiment Headquarters in Taung Bazar village. 10 police officers, 1 soldier and 1 immigration officer were killed'. The same day it designated ARSA 'a terrorist group in accordance with the Counter-Terrorism Law'.¹³⁷

Neither ARSA nor the government pronouncement can be trusted. Indeed, there are serious doubts as to whether these attacks took place at all. None have been corroborated by an independent source. However, whether or not the attacks actually happened, the authorities cited them to justify the launch of a sustained and brutal military 'clearance operation' (as they call it) of Rohingya communities in northern Rakhine state in what can be seen as the mass annihilation phase of genocide.

Esouf Ali from Nga Yant Chaung village tract in Buthidaung described the arrival of further military reinforcements in northern Rakhine state:

In our village there is a BGP camp. Many soldiers came from this camp and they used big guns. The military were shooting the whole day and whole night. The military also came from other regions. They brought big guns and bullets, by boat. Some army reinforcements arrived by boat about a month before 25 August, some also arrived on 26, 27, 28 August. Guns and ammunition were also brought via boat at this time. They brought guns on boats at night. I live next to the stream so I saw them.¹³⁸

The army committed most of the attacks, often in collaboration with the BGP and Rakhine extremists, according to those interviewed by ISCI. For example, Abdul Gofur from Bu Phyi village in Buthidaung said: 'I saw the Rakhine going into military tents in camps and coming out with rifles'.¹³⁹ Rohim Ala, aged 25, whose wife Jana had given birth since arriving in Bangladesh, spoke to ISCI about the attack on their village, Taung Bazar (Nga Yant Chaung) in Buthidaung on 29 August. He said:

The police came and burnt the mosque, and then the military came at night... Before the burning the military took the Rakhine to another place, one member from every Rakhine family was involved in the killing.¹⁴⁰

¹³⁵ Interview with Ismail Mohammed, Balukhali camp, 30 October 2017.

¹³⁶ ARSA_The Army (@ARSA_Official), 'Urgent Statement: #Arakan State Situation', *Twitter* post, 24 August 2017: https://twitter.com/ARSA_Official/status/900877804425932800. Accessed 9 April 2018.

¹³⁷ The Republic of the Union of Myanmar Anti-terrorism Central Committee, 'Arakan Rohingya Salvation Army (ARSA) Declared as Terrorist Group'.

¹³⁸ Interview with Esouf Ali, Kutupalong camp, 3 November 2017.

¹³⁹ Interview with Abdul Gofur, Cox's Bazar hospital, 29 October 2017.

¹⁴⁰ Interview with Rohim Ala, Cox's Bazar hospital, 29 October 2017.

All Rohingya interviewed who fled Myanmar from August onwards said they had experienced or witnessed violence. Evidence suggests that the violence was planned and carefully targeted Rohingya. Mohammed Yeleys of Buthidaung, for instance, said that when the army attacked his village, Rakhine civilians wearing BGP uniforms accompanied the soldiers and Rakhine villages were not attacked. Satellite images of northern Rakhine state after the 'clearance operations' show flattened Rohingya villages adjoining or near unscathed non-Rohingya villages.¹⁴² There is also strong evidence that Rakhine communities were protected from attacks on Rohingya villages. According to Esouf Ali:

On 26 August, in the evening, the day before our village was attacked, the BGP called all the Rakhine people living in our village (15 households) and doctors working in the hospital, to come to their camp, I saw this because my home is close to the BGP camp. At this point I became sure there would be a very big attack because they were protecting the Rakhine. I spoke to Rakhine friends from Young Ma village who called me and told me they would be moved.¹⁴³

Further, from 9 October 2016 it appears that all Rakhine teachers were recalled from Rohingya schools. Buthidaung village pharmacist, Mohammed Shoaib, described what happened in Thin Ga Net village tract:

The Rakhine teachers no longer attended school – there were 12 of them and they left after October 9th and didn't come back despite tight security. There are no Rohingya teachers so the schools all closed.¹⁴⁴

In the carnage that followed these preparatory developments, ISCI estimates that 20,000 to 25,000 Rohingya women, men and children were killed between 25 August 2017 to the date of publication of this report and many thousands more injured (see footnote 8).

¹⁴¹ Interview with Mohammed Yeleys, Kutupalong camp, 3 November 2017.

¹⁴² Human Rights Watch, 'Massacre by the River: Burmese Army Crimes against Humanity in Tula Toli', 19 December 2017: <https://www.hrw.org/report/2017/12/19/massacre-river/burmese-army-crimes-against-humanity-tula-toli>. Accessed 4 March 2018.

¹⁴³ Interview with Esouf Ali, Kutupalong camp, 3 November 2017.

¹⁴⁴ Interview with Mohammed Shoaib, Kutupalong camp, 3 November 2017. For further evidence of the protection of Rakhine before attacks, see also Nazmul Islam's account from Tula Toli in, McPherson, P, 'Witness to a Massacre: the former Myanmar soldier who saw his village burn', *The Guardian*, 5 February 2018: <https://www.theguardian.com/world/2018/feb/05/witness-massacre-tula-toli-rohingya-myanmar-soldier-village>. Accessed 9 April 2018.

4.1 MASSACRES AND OTHER KILLINGS

'I know that they did genocide because we are Muslim.' – Rashamud Allah, an elder from Kyaut Pyaung village (north) in Rathedaung.¹⁴⁵



Sultan Ahmed, aged 56, who fled to Bangladesh with his wife, Laila Begum, and their 10 children.

Mohammed Shoaib explained what happened in Hpaung Taw Pyin, around 1.5km from his village of Thin Ga Net, Buthidaung, on 26 August, just hours after the alleged ARSA attack. He said the army arrived just after morning prayers:

My brother was arrested as he left the madrassa. They slit his throat in front of me and his family. The military fired at the mosque and at people as they left the mosque. Around 50-60 people attended Fajr prayer that morning – some were leaving when the military began firing and some were still in the mosque.

Around 40 went to hide in a house. The military surrounded the house and killed everyone inside with knives – they slit their throats. Some soldiers held guns and some used knives to slit their throats... As I was fleeing I found my sister-in-law in the forest. She didn't know her husband was dead.¹⁴⁶

Many attacks after 25 August happened like this without warning. Rashamud Allah said that his village of Kyaut Pyaung (North) suddenly came under attack on 27 August. From information gathered since then, he believes that at least 300 people were killed, 100 disappeared and about 100 were injured. He recalled:

The military came and surrounded the village, like a trap. After half an hour they started their attack, firing guns and burning houses. About 400 army, BGP and Rakhine extremists were involved in the attack. The Rakhine had knives. We recognised the Rakhine – they were not friends, they were Rakhine from the village... All 300 houses in our village were burnt down during the attack. About 100 of the 5,000 villagers were killed by gunfire as they fled... I know that they did genocide because we are Muslim.¹⁴⁷

¹⁴⁵ Interview with Rashamud Allah, Thankhali camp, 31 October 2017.

¹⁴⁶ Interview with Mohammed Shoaib, Kutupalong camp, 3 November 2017.

¹⁴⁷ Interview with Rashamud Allah, Thankhali camp, 31 October 2017.

ISCI interviewers were given detailed descriptions of several massacres and killings in various village tracts. A few of these are highlighted below:

Village tract	Township	Reported deaths	Date of attack
Dar Gyi Zar	Maungdaw	120	10 October 2016
Monu Para (Maung Nu)	Buthidaung	250	27 August 2017
Chut Pyin	Rathedaung	300	27 August 2017
Kyaut Pyaung (North)	Rathedaung	400	27 August 2017
Taung Bazaar	Buthidaung	200	30 August 2017
Tula Toli (Min Gyi)	Maungdaw	1,900	30 August 2017

Esouf Ali recalled the horrors that forced him to flee to Bangladesh on 27 August after the army burned to the ground villages in the Nga Yant Chaung tract in Buthidaung. The villages were opposite Sector 9 BGP camp, across a small river. He said that at 3am on 26 August he heard firing, and then a few hours later:

The army, but not the BGP, crossed the river to my village. [They] shot one person, an Islamic student and arrested 40 people. They took these 40 people to the hospital, right next to the BGP camp where there is an empty patch of land, and tortured them. They released them in the evening. They beat them with fists and bamboo, and kicked them.

I and others saw the torture from a hill... One person was killed. The army also put landmines around the area... I guess they were afraid because they had arrested so many... There were two explosions: as a result two boys were killed, 13 and 15 years old.

On 27 August, the army started operations about a mile from my home. There was also a helicopter... Around 10am, military battalion 552 arrived at my village, surrounded it and started firing... Some people jumped into the river to escape during the attack and were killed. At least 15 children were killed, [as were] some people who were left in their burning homes. Others were slaughtered [with a knife] by the army. Others were killed by gunshot. They fired launchers, burning houses with the launchers. The army followed people to the forest, to the east, and I heard they raped women there.

Around 100 people came to our village to attack. The looting took place from early morning until the evening. 800 houses in my village tract were burnt down.¹⁴⁸

In the village of Chut Pyin on 27 August, in scenes reminiscent of the 1995 genocide in Srebrenica, men and women were separated before the men were killed, according to survivors. Noor Begum, a 38-year-old woman, recalled what happened:

¹⁴⁸ Interview with Esouf Ali, Kutupalong camp, 3 November 2017.

When the military came, I tried to escape from my burning home, which had been set alight by launchers. We fled to the paddy field, the military and Rakhine surrounded us, took all the men and boys, looted all our jewellery and money. They stole the jewellery hidden in our chest and bodies. My husband [Mohammed Tuzun, 52] and son [Dil Mohammed, 17] were arrested and I don't know what happened to them. Another of my children [a boy, Pir Mohammed, 14] was injured by a bullet through the chest.¹⁴⁹

Rohima Khatu from Chut Pyin added:

I also went to hide in the paddy fields. After they separated the women and men, they shot all the men. We don't know if our husbands are alive or dead... we are hearing rumours that they are alive in Sittwe jail but we believe they are dead.¹⁵⁰

Sawlim Khatu, another 50-year-old woman from Chut Pyin, said:

All of us women were in the paddy. Two men were killed there in front of us by gun [Mohammed Usman and Mohammed Muma]. There were around 60 of us in this group in the paddy field, mixed. Then they separated women and men, took jewellery and money, including by searching in the body of the women. The army was searching inside the bodies of the women. The men were all arrested in front of the women, with their hands tied behind their backs. I lost one of my sons, his name was Abdul Rahman [aged 14]. Another son got three bullet wounds in his body, arm and buttocks.¹⁵¹

In the village of Monu Para (Maung Nu) interviewees report that the army massacred hundreds of Rohingya villagers on 27 August. Witnesses said that a soldier referred to as Ba Kyaw led the killings. A witness who wishes to remain anonymous told ISCI:

There was a mass killing – 250 were killed by the military. 150 by knife in the same place, by only one person... He had three stripes and one star on his shoulder. He was from 564 Battalion... He is from Buthidaung. He is Daingnet, a sub-group of Rakhine. His name is Ba Kyaw. He called [the victims] to a place and he slaughtered them one after another.

They burned the whole village down. They brought all the bodies next to the battalion and buried them under a bridge, about 250 people, between Kyin Ta Ma and Pale Taung. They took them there by truck. Ba Kyaw used a small knife, he put to their temples, he cut the back of their necks. Some people were shot at close range by others behind him. 100 were shot. All were men, from five years old to 78 or 79 years old... They used launchers to burn the houses. They surrounded the whole village tract and people gathered at the same place and they started the slaughter, from 6pm to midnight.¹⁵²

Human Rights Watch reported that witnesses to the incident told them that 'the soldiers gathered the bodies on green tarps and loaded them onto pushcarts, then brought the bodies to military vehicles'.¹⁵³

A further attack on 27 August was described by Mohammed Rafiq, aged 22 and married with two young children. He said he narrowly escaped the assault on his village of Kyaut Pyaung (South). He showed ISCI researchers his wounds and still had severe pain where he had been shot. He said:

¹⁴⁹ Interview with Noor Begum (group interview), Thankhali camp, 31 October 2017.

¹⁵⁰ Interview with Rohima Khatu (group interview), Thankhali camp, 31 October 2017.

¹⁵¹ Interview with Sawlim Khatu (group interview), Thankhali camp, 31 October 2017.

¹⁵² Interviewed on 3 November 2017 (anonymity requested).

¹⁵³ Human Rights Watch, 'Burma: Military Massacres Dozens in Rohingya Village: Soldiers Shot, Stabbed Men and Boys in Maung Nu, Rakhine State', 4 October 2017: <https://www.hrw.org/news/2017/10/03/burma-military-massacres-dozens-rohingya-village>. Accessed 9 April 2018.

Suddenly the military forces, police and extremists arrived and surrounded our village; shooting and house burning... My house was burned. My family and I ran and hid. I didn't know where my family went as I hid in a [different] lake... I was very afraid. A soldier kicked me and I pretended to be dead so that he wouldn't kill me. I lay face down, showing my injury so they would think I was dead. I then crawled to where my parents had gone. Five days later we heard guns and fled [to Bangladesh]. My father and brother carried me on a pole for three days.¹⁵⁴

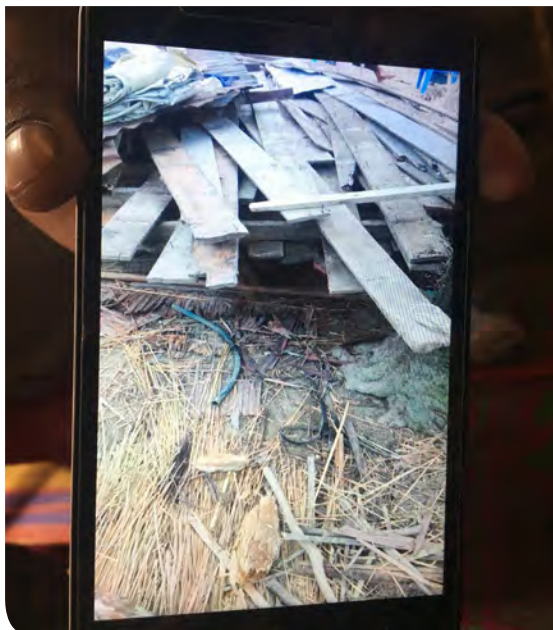
On 30 August, the army massacred Rohingya in Tula Toli, aided by Rakhine extremists who lived in the village tract. Satellite images showed that the Rohingya neighbourhoods were destroyed in the attack, whereas Rakhine homes in the south-west corner of the village remained untouched.¹⁵⁵ The Rohingya village administrator, Sultan Ahmed, recalled:

More than 200 BGP surrounded the village. The sun was rising at that time. The BGP checked homes one after the other. They called all the villagers to an empty place outdoors, in the middle of the village... Then 30 BGP destroyed the homes of three Rohingya leaders – three homes from three hamlets. My home was destroyed. They targeted me because I am the leader of the village.¹⁵⁶

He said that the BGP forced around 30 Rohingya villagers at gunpoint to destroy his home – a tactic designed to collectively punish and humiliate oppressed populations, reminiscent of demolitions of Palestinian homes ordered by the Israeli state. He went on to estimate the death toll:

Those people who could run are alive. Those who couldn't run to the forest – they all died. At Tula Toli, 900 people were killed during this massacre. Around 1,900 people were killed in total, because around 1,000 of those who were waiting outside the tract, sheltering, who were from Buthidaung and other villages attacked previously [they were on their way to Bangladesh], on the outskirts of the village, were also killed. They blockaded the whole village.¹⁵⁷

Poppy McPherson interviewed Nazmul Islam, a former soldier who had been stationed in Rakhine state and was near Tula Toli when the village was attacked. He told her: 'In their mind, [the army] wants to wipe out the Muslim people'. He went on to say that during the massacre a helicopter landed nearby, carrying senior



Sultan Ahmed showing ISCI researchers the remnants of his home in Tula Toli, Maungdaw, which was destroyed on 30 August 2017 on the orders of the Myanmar army. Reports indicate that up to 2,000 Rohingya were killed during the attacks, and nearly 750 buildings destroyed. Sultan Ahmed said 14 of his relatives lost their lives in the attacks.

¹⁵⁴ Interview with Mohammed Rafiq, Thankhali camp, 31 October 2017.

¹⁵⁵ Holmes, O, 'Myanmar: satellite imagery confirms Rohingya village of Tula Toli razed', *The Guardian*, 19 September 2017: <https://www.theguardian.com/world/2017/sep/19/myanmar-satellite-imagery-confirms-rohingya-village-of-tula-toli-razed>. Accessed 9 April 2018.

¹⁵⁶ Interview with Sultan Ahmed, Balukhali camp, 4 November 2017.

¹⁵⁷ Ibid.

officers: 'They gave bullets and guns. They ordered the military not to throw bodies into the water but to bury or burn them... I heard a corporal saying... "We have the order to kill everyone and will kill everyone who disagrees."' ¹⁵⁸

Mohammed E Salam, aged 42, described what happened during the massacre in his village of Taung Bazar, Buthidaung, also on 30 August:

The Rakhine, BGP and military came and shot many people. I was shot too... About 200 people were killed in total, but it's difficult to say. I saw two people killed by gunshot [Salima and her daughter Asmeida]; I don't know how many others were shot. There was no warning, the attack was sudden. My family was alone, I didn't know where they were. I was shot and I was separated; there are two members of my family. My family was brought to a house, they were there for two days, in Mee Para. I then found my wife by telephone. The military attacked Mee Para [near Taung Bazar] on 31 August and we fled again. ¹⁵⁹

Similar patterns were described in 2016; Mohammed Nu, aged 20, described what happened in his village of Dar Gyi Zar, northern Maungdaw:

There are 4,000 people in my village. The military killed 120 people on 10 October [2016]. They came from Buthidaung and said that our village cooperated with "bad men". 600 houses were burned down. 120 were killed. When the forces started the attack the oldest and the children were not able to run – they were bound with ropes and burned. Many women were raped, threatened with rape and burned, and some were shot. A small river ran near the village and we tried to cross. After the crossing we were cornered by the military and we were shot at. All the villagers were hiding for a month after, as the military threatened us and we couldn't go back. Then we went back, on 12 November. ¹⁶⁰

He said the villagers put up tents to rebuild their community. Shortly after, on 22 November, the army called Rohingya village administrators and elders to a meeting at which there were 75 BGP and 15 soldiers. Mohammed Nu reported:

They said that our village has "bad men", extremists, and they encouraged us to arrest them. The villagers said that there are no bad men, criminals, in the village. They were all then beaten. ¹⁶¹

From August 2017 to the end of the year, the Myanmar army continued its relentless terror campaign against the Rohingya.



Rahamed Ullah, aged 52 and from Rathedaung township, shows ISCI the remains of his money that was burnt by the Myanmar army during the assault on his community. ISCI spoke to him on 31 October 2017 in Thankhali camp, Bangladesh.

¹⁵⁸ McPherson, P, 'Witness to a Massacre: the Former Myanmar Soldier Who Saw His Village Burn'.

¹⁵⁹ Interview with Mohammed E Salam, Thankhali camp, 31 October 2017.

¹⁶⁰ Interview with Mohammed Nu, Leda camp, 1 November 2017.

¹⁶¹ Ibid.

4.2 RAPE AND GENDERED VIOLENCE

'If we tried to go, they would rip the clothes off us women and rape us.' – Zura Begum from Zay Di Taung, Buthidaung.¹⁶²

Evidence of rape and gendered violence as weapons of genocide against the Rohingya was overwhelming in the testimonies gathered by ISCI.¹⁶³ Over 70% of women interviewed by ISCI made reference to rape in describing the processes of persecution which had forced them to flee. Rape and other forms of sexual violence are acknowledged acts of genocide.¹⁶⁴

Rashan Ali, village administrator of Chut Pyin, described the ubiquity of rape during the clearance operations:

*During the massacre some of the woman fleeing were caught and raped, especially the beautiful ones. Children were also raped and killed. There were around 15 rapes in Chut Pyin – wherever the military operates, rape is a weapon. Rape has become normal. Before 2012, people were ashamed to talk about it. Now, it happens all the time. The military arrests some women and rapes them. Wherever the military has operations going on, there is rape.*¹⁶⁵

Rahima Begum, also from Chut Pyin, said government forces raped many women including a woman in the group being interviewed.¹⁶⁶

Mohammed Nu from Dar Gyi Zar village, which was attacked in October 2016 (see above), said the army threatened Rohingya in the neighbouring village of Sa Li Farang (Myaw Taung), then put 25 girls and young women in a room and raped them. He said two died: 'Both of them were my relatives, my niece Johara Begu, who was 17, and Halida, who was 20'.¹⁶⁷

Usman Goni, a 28-year-old man from Rathedaung, said sexual violence was integral to the terror campaign. He testified that during the attack in Rathedaung, which led to the killing of over 800 Rohingya, young women were raped and had their breasts cut.¹⁶⁸

Zura Begum told ISCI of the assault on her village of Zay Di Taung, Buthidaung township, during which her nine-year-old son and her husband were both killed. She said she witnessed:

*... many groups of attackers. Some were raping, some were killing, some were looting. When I tried to find my children I saw some of the soldiers and Rakhine extremists taking women to rape.*¹⁶⁹

¹⁶² Interview with Zura Begum, Balukhali camp, 2 November 2017.

¹⁶³ This evidence has been corroborated elsewhere. For an account of the deployment of rape and sexual violence in Myanmar's 'military clearances', see, Human Rights Watch, 'All of My Body Was Pain: Sexual violence against Rohingya Women and Girls in Burma', 16 November 2017: <https://www.hrw.org/report/2017/11/16/all-my-body-was-pain/sexual-violence-against-rohingya-women-and-girls-burma>. Accessed 4 March 2018; *Kaladan Press Network*, 'Rape by Command: Sexual violence as a weapon against the Rohingya', (Chittagong: Kaladan Press Network, 2018): <http://www.kaladanpress.org/images/document/2018/RapebyCommandWeb3.pdf>. Accessed 20 March 2018; Amnesty International, 'My World is Finished: Rohingya Targeted in Crimes Against Humanity in Myanmar', 18 October 2017, pp.23-26: <https://www.amnesty.org/download/Documents/ASA1672882017ENGLISH.PDF>. Accessed 4 March 2018.

¹⁶⁴ See, International Criminal Tribunal for Rwanda (Akayesu case) which determined rape and sexual violence can qualify as acts of genocide; United Nations, 'International Criminal Tribunal for Rwanda, The Prosecutor versus Jean-Paul Akayesu, Case No. ICTR-96-4-T', 2 September 1998: <http://www.un.org/en/preventgenocide/rwanda/pdf/AKAYESU%20-%20JUDGEMENT.pdf>. Accessed 9 April 2018.

¹⁶⁵ Interview with Rashan Ali, Thankhali camp, 31 October 2017.

¹⁶⁶ Interview with Rahima Begum, Thankhali camp, 31 October 2017.

¹⁶⁷ Interview with Mohammed Nu, Leda camp, 1 November 2017.

¹⁶⁸ Interview with Usman Goni, Nayapara community centre, 1 November 2017.

¹⁶⁹ Interview with Zura Begum, Balukhali camp, 2 November 2017.

Journalists, human rights groups and Rohingya activists all published accounts of mass gang rape during the first military 'clearance operations' in October 2016.¹⁷⁰ This use of rape, must however, be understood as part of a broader campaign of genocide. Rape as a tool of genocide continued on an industrial scale during 2017, leading up to and following 25 August.¹⁷¹

Evidence suggests that the rape and sexual violence was not only condoned by, but was purposively directed by, the Myanmar state. Women and girls' testimony describing abuses occurring under similar circumstances¹⁷² and according to consistent patterns across three townships strongly indicates sexual violence was deliberately adopted as part of genocidal state policy. Evidence has also emerged of women and girls being forcibly detained and raped in military camps, for periods of up to two weeks.¹⁷³

Not a single soldier has been prosecuted and not a single victim acknowledged by either the government or the military.¹⁷⁴ Indeed, state security forces have raped and otherwise sexually abused Rohingya women in Rakhine state with impunity since at least October 2016.

ISCI's findings are corroborated by the Xchange Rohingya Survey, which found that people surveyed frequently cited abuses of a degrading and dehumanising nature, including sexual abuse of Rohingya women and girls (13%). The survey reported that women and girls were subjected to rape and gang rape by multiple perpetrators, often in public, in a seemingly 'coordinated campaign of sexual violence'. It stated that the abuses caused trauma and created a culture of shame designed to fragment communities.¹⁷⁵ In December 2017, following a visit to Rohingya in Bangladesh, the UN's Special Representative on Sexual Violence in Conflict, Pramila Patten, stated: 'There are indications that this pattern of widespread and systematic sexual violence has been used as a tool of dehumanization and collective punishment' and that:

*the widespread threat and use of sexual violence served as a driver and "push factor" for forced displacement on a massive scale, and as a calculated tool of terror seemingly aimed at the extermination and removal of the Rohingya as a group.*¹⁷⁶

Another gendered consequence of the genocidal military clearances is the fracturing of families by the mass killings, and the social consequences for women survivors of rape, including those left pregnant.

Virtually all women interviewed by ISCI said they had witnessed the slaughter of husbands, parents, grandparents and children. The vast majority had become widows during the genocide. The implications of so many devastated families will be felt by Rohingya communities for generations.¹⁷⁷

¹⁷⁰ See, for example: McGregor, F, 'Dozens of rapes reported in northern Rakhine State', *Myanmar Times*, 27 October 2016: <https://www.mmmtimes.com/national-news/23326-dozens-of-rapes-reported-in-northern-rakhine-state.html>. Accessed 4 March 2018; Wa Lone and Lewis, S, 'Exclusive: Rohingya women say Myanmar soldiers raped them amid crackdown on militants', *Reuters*, 28 October 2016: <https://www.reuters.com/article/us-myanmar-rohingya-exclusive/exclusive-rohingya-women-say-myanmar-soldiers-raped-them-amid-crackdown-on-militants-idUSKCN12SoAP>. Accessed 9 April 2018; OHCHR, 'Mission to Bangladesh: Interviews with Rohingyas fleeing from Myanmar since 9 October 2016: Flash Report', 3 February 2017, pp.20-24: <http://www.ohchr.org/Documents/Countries/MM/FlashReport3Feb2017.pdf>. Accessed 9 April 2018.

¹⁷¹ For in-depth accounts of rape and sexual violence, see, Human Rights Watch, 'All of My Body Was Pain: Sexual violence against Rohingya Women and Girls in Burma'; Kaladan Press Network, 'Rape by Command: Sexual violence as a weapon against the Rohingya'.

¹⁷² Ibid.

¹⁷³ Kaladan Press Network, 'Rape by Command: Sexual violence as a weapon against the Rohingya'.

¹⁷⁴ Tatmadaw True News Information Team, 'News Release on the act of British MPs in connection with Rakhine issue and the decision of European Union Foreign Affairs Council meeting on Myanmar', *Facebook* post, 6 March 2018: <https://www.facebook.com/Cincds/posts/1624154024372123>. Accessed 4 March 2018. This denial was published despite a rare admission in January 2018 that soldiers had killed ten 'Bengali terrorists' at Inn Din village in Maungdaw, see, Lun Min Mang, 'Tatmadaw Probe Found Soldiers Responsible in Inn Din Village Killings', *Myanmar Times*, 11 January 2018: <https://www.mmmtimes.com/news/tatmadaw-probe-found-soldiers-responsible-inn-din-village-killings.html>. Accessed 4 March 2018.

¹⁷⁵ Xchange Research of Migration, *The Rohingya Survey* 2017, p.32.

¹⁷⁶ Patten, P, 'Statement by the Special Representative of the Secretary-General on Sexual Violence', UN Security Council Meeting on Myanmar, 12 December 2017: <http://www.un.org/sexualviolenceinconflict/statement/statement-by-the-special-representative-of-the-secretary-general-on-sexual-violence-in-conflict-ms-pramila-patten-security-council-briefing-on-myanmar-12-december-2017/>. Accessed 9 April 2018.

¹⁷⁷ Wise, L, 'Social death and the loss of a "world": an anatomy of genocidal harm in Sudan', *International Journal of Human Rights*, 21(7), April 2017, pp.838-865: <https://www.tandfonline.com/doi/abs/10.1080/13642987.2017.1310464>. Accessed 9 April 2018.

All eight women from the village of Chut Pyin interviewed as a group had lost their husbands through killing or disappearance.¹⁷⁸ Five had witnessed the murder of one of their children. These women, now living under the care and protection of Chut Pyin's former village administrator in Thankhali camp in Bangladesh, were trying to cope with the trauma of grief, identity destruction and familial rupture.

In another interview with a group of newly arrived women, who had fled their burning villages in Buthidaung, it became clear that communities of widows were widespread throughout the camps. These women revealed other elements of gendered violence with genocidal consequences. For example, Zubaida Begum from Nyaung Chaung in southern Buthidaung described the chaos of fleeing her burning village and the consequences for women with very young children:

*Many people died in the fires – people who couldn't run from their homes and those with babies. If someone has three babies she can only carry one, two babies might be left behind.*¹⁷⁹

Many children have been orphaned by the genocide, with over 7,700 children having lost both parents and over 36,000 having lost at least one parent, according to Bangladeshi government figures.¹⁸⁰ ISCI researchers were approached by a nine-year-old boy from Rathedaung, whom we were informed fled with his mother and siblings when the military attacked his village. When the family returned to see if the family home had been destroyed, his mother was shot dead by soldiers apparently hiding in waiting. The children then made the dangerous and traumatic flight to Bangladesh in the absence of parental care. In the camps, such children are extremely vulnerable to trafficking, sexual exploitation and neglect.¹⁸¹



Rohingya woman and baby, Kutupalong-Balukhali camp, October 2017

¹⁷⁸ Group interview, Thankhali camp, 30 October 2017.

¹⁷⁹ Interview with Zubaida B (group interview), Thankhali camp, 30 October 2017.

¹⁸⁰ ASEAN Parliamentarians for Human Rights, 'The Rohingya Crisis: Past, Present, and Future, Summary Report of Findings from Fact-Finding Mission to Bangladesh 21-24 January 2018', p.3, March 2018: https://aseanmp.org/wp-content/uploads/2018/03/APHR_Bangladesh-Fact-Finding-Mission-Report_Mar-2018.pdf. Accessed 4 March 2018.

¹⁸¹ Piranty, S, Devitt, G, Woolley, N, Hussain, M and Martens, J, 'The Rohingya children trafficked for sex', *BBC News*, 20 March 2018: <http://www.bbc.com/news/world-asia-43469043>. Accessed 9 April 2018.



Source: Wikimedia Commons / Claude Truong-Ngoc

Sexual Violence Denial

Despite overwhelming evidence of sexual violence, the Myanmar authorities, together with Rakhine nationalists, have consistently denied allegations of rape against Rohingya women.

During his meeting with Malaysia's Defence Forces Chief on 5 December 2016, General Min Aung Hlaing stated, 'Myanmar security forces have never committed any human rights violations such as illegal killing, rape and arson attack and investigation is being made in cooperation with the relevant organizations'.¹⁸² On 7 March 2018 a statement by the Myanmar Army's 'True News Team' posted on Facebook denied all accounts of sexual violence, as well as murder: 'According to the accounts of 2,817 villagers of 54 Bengali villages and testimony of 362 villagers of 105 Bengali villages, it was found that security personnel did not commit extrajudicial killings or sexually abuse and rape women. There was no unlawful detention of people, beating, killing and arson as well'.¹⁸³

The Buddhist Chairman of the Rakhine Investigation Committee, Aung Win MP, asserted that Myanmar soldiers would never have committed mass rapes against Rohingya women because Rohingya women are 'very dirty, they are dirty, they have a very low standard of living and poor hygiene. They are not attractive so neither the local Buddhist men nor the soldiers are interested in them'.¹⁸⁴

Similarly, a monk representing the ultranationalist Buddhist organization Ma Ba Tha told Sky News: 'There's no way the Myanmar soldiers would rape the Muslim women because the Muslim women are too ugly'.¹⁸⁵

Daw Aye Aye Soe, spokesperson for Myanmar's Aung San Suu Kyi led Ministry of Foreign Affairs, reinforced the military's line, telling IRIN on 22 December 2017 that military operations had 'been carried out with very much restraint' and that 'regarding rape, ethnic cleansing – it's completely false... Most of them are made-up stories, blown out of proportion... The things they are accusing us of didn't happen at all'.¹⁸⁶ Days later, a banner displaying the words 'FAKE RAPE' appeared on the State Counsellor's official government and Facebook pages, with accompanying text 'denying allegations of rape'.¹⁸⁷

The November 2017 repatriation agreement between the governments of Myanmar and Bangladesh includes a provision presumably designed to address children born to Rohingya women as a result of rape. The provision reads: 'Children born out of unwarranted incidents are to be certified by a Court of Bangladesh' (emphasis added).¹⁸⁸ The inclusion of this vague yet pragmatic acknowledgment speaks to knowledge of the scale of rape committed by Myanmar state security forces.

¹⁸² Senior General Min Aung Hlaing, 'Senior General Min Aung Hlaing Meets Malaysian Defence Forces Chief General Tan Sri Dato, Sri (Dr.) Haji Zulkifeli, Bin Mohd Zain, Nay Pyi Taw December 5', *Facebook* post, 6 December 2016: <https://www.facebook.com/seniorgeneralminaunghlaing/posts/1408305259203958>. Accessed 9 April 2018.

¹⁸³ Tatmadaw True News Information Team, 'News Release on the act of British MPs in connection with Rakhine issue and the decision of European Union Foreign Affairs Council meeting on Myanmar'.

¹⁸⁴ Fisher, J, 'Muslim civilians "killed by Burmese army"', *BBC News*, 7 November 2016: <http://www.bbc.com/news/world-asia-37892512>. Accessed 11 April 2018.

¹⁸⁵ Crawford, A, 'Hidden: Rohingya camp that the Pope will not see on Myanmar visit', *Sky News*, 28 November 2017: <https://news.sky.com/story/hidden-rohingya-camp-that-the-pope-will-not-see-on-myanmar-visit-11147274>. Accessed 9 April 2018.

4.3 PILLAGING AND BURNING VILLAGES

'Today your village will be burned' – Ismail Mohammed, an elder from Rathedaung, reporting the message he received from a middle-ranking member of the BGP on 10 September 2017.¹⁸⁹



A still from an ISCI video recording a refugee, who was mute, acting out the massacre in his village in northern Rakhine state. He demonstrated how troops fired on a crowd and slit the throats of Rohingya.

Virtually all signs of Rohingya life have now been obliterated from northern Rakhine state. Entire communities and livelihoods were destroyed in a matter of weeks as the Myanmar army and BGP swept through northern Rakhine state after 25 August 2017. The Rohingya Survey 2017 found that the most common category of incident reported in the military attacks was the destruction of property and burning of villages (63%).¹⁹⁰ According to satellite imagery analysis conducted by Human Rights Watch, 354 villages in northern Rakhine state have been partially or completely destroyed since 25 August 2017.¹⁹¹

As villages burned security forces and Rakhine extremists pillaged Rohingya homes and robbed individuals of their possessions. Villagers from Tha Bay Daw village, which comprised 550 Rohingya households, explained how this played out in their community on 9 September 2017. They said the Rakhine village administrator called his Rohingya counterpart, Juhar Mohammed, as well as Juhar's brother Azahar, a mullah, and warned them that the village would be burnt. They then set fire to homes so that three sides of the village were in flames, leaving just one direction for people to flee. Juhar Mohammed said:

*Around ten people from our village were killed during the home burnings – the sick, the blind, the elderly – those who remained. The military gave us a chance to escape from the village and then they looted everything. We know our houses were looted because we saw the Rakhine taking away our property.*¹⁹²

Esouf Ali from Nga Yant Chaung village tract, Buthidaung, described what happened on 27 August 2017 when the army and BGP destroyed the village. He said that among the attackers were Rakhine civilians wearing BGP uniforms, who helped loot homes as the village was being torched:

*I knew some of these Rakhine, they were friends. They were Rakhine from Yin Ma village and looting Rohingya properties. Those people knew who the rich Rohingya were so could target those homes. The BGP and army were giving the Rakhine security to loot Rohingya materials.*¹⁹³

¹⁸⁶ Ferrie, J, 'Myanmar says Rohingya rape and abuse allegations "made-up", despite mounting evidence', *IRIN*, 22 December 2016: <https://www.irinnews.org/feature/2016/12/22/myanmar-says-rohingya-rape-and-abuse-allegations-made-despite-mounting-evidence>. Accessed 4 March 2018.

¹⁸⁷ The Republic of the Union of Myanmar State Councillors Office, 'Information Committee Refutes Rumours of Rapes', 26 December 2016: <http://www.statecounsellor.gov.mm/en/node/551>. Accessed 9 April 2018.

¹⁸⁸ 'Arrangements on Return of Displaced Persons from Rakhine State', 6(a)(iv), 23 November 2017: http://www.theindependentbd.com/assets/images/banner/linked_file/20171125094240.pdf. Accessed 10 April 2018.

¹⁸⁹ Interview with Ismail Mohammed, Balukhali camp, 30 October 2017.

¹⁹⁰ Xchange Research of Migration, *The Rohingya Survey 2017*, p.34.

¹⁹¹ Human Rights Watch, 'Burma: 40 Rohingya Villages Burned Since October'.

¹⁹² Interview with Juhar Mohammed, Kutupalong camp, 31 October 2017.

¹⁹³ Interview with Esouf Ali, Kutupalong camp, 3 November 2017.

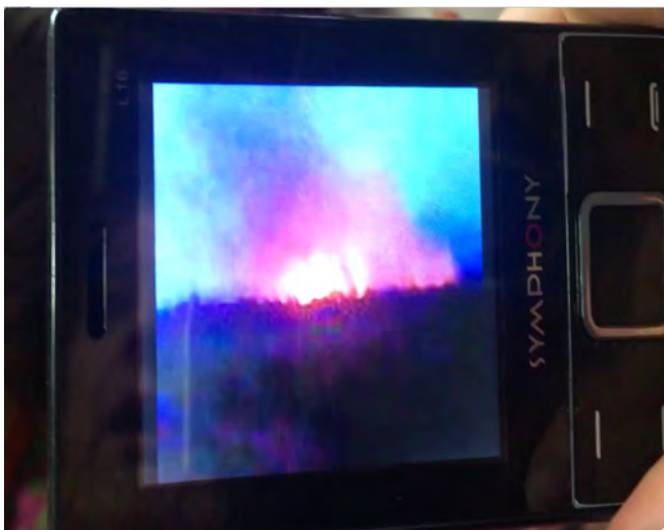


Mantaz Begum, who was burnt during the massacre at Tula Toli on 30 August 2017.

As the fateful year of 2017 drew to a close, many Rohingya contemplated what they had lost. Rahamed Ullah, a village elder gripped by sadness, summed it up for ISCI:

First, the village. Second, our animals, our property. Our gold, our money. Even we lost our clothes, we couldn't take any of it with us. The day after our village was burnt completely, we returned to the village to see its condition, and it was just ashes... The army and BGP forced us and took our gold and money from us. We lost everything.¹⁹⁴

In just a few months from 25 August, the joint Myanmar army-BGP-Rakhine extremist campaign of murder, sexual assault and arson left tens of thousands of Rohingya dead, hundreds of villages destroyed and triggered a mass exodus of approximately 700,000 to Bangladesh. Refused refugee status and without a viable plan for return, the vast majority of Myanmar's Rohingya face an uncertain and dangerous future in exile just over the border from their homeland.



A still from a video of the burning of Aung Seik Pyin village, close to Buli Bazaar, recorded by a resident as he fled.

¹⁹⁴ Interview with Rahamed Ullah, Thankhali camp, 31 October 2017.



A group of Rohingya refugees in Kutupalong

5. THE GENOCIDE CONTINUES

'They are warning people, "We'll kill you very soon".' – Juhar Mohammed from Zo Pa Ran (Tha Bay Daw), northwest Rathedaung.¹⁹⁵

In one sense, the genocide is complete. Over 85% of the Rohingya population have been driven from their homes in Myanmar. The physical traces of their longstanding presence in Myanmar – their villages, including cultural property, such as mosques and madrassas – have been largely erased. Those who remain are wasting away in detention camps, 'prison villages' and ghettos. Through a process of stigmatisation, harassment and denial of civil rights, enforced isolation, systematic weakening, physical annihilation and symbolic enactment, the Myanmar state has destroyed the Myanmar identity of its Rohingya people.

However, genocide is a process with no clearly defined end – and the genocide of the Rohingya continues. This chapter looks at three aspects of this ongoing process of annihilation: the slow death of Rohingya still in Myanmar; the death toll of Rohingya on their desperate journeys to Bangladesh to escape terror and destitution; and the ever-present spectre of death in the camps in Bangladesh – a foreseen endpoint in the Myanmar state's genocidal plan.

5.1 'SOCIAL DEATH': FATE OF ROHINGYA STILL IN MYANMAR

The Rohingya continue to face threats, violence and persecution in Myanmar. Though information is difficult to obtain because of the continued denial of access to northern Rakhine state, many Rohingya, such as Juhar Mohammed, are still in communication with friends who have remained. Juhar told ISCI that the situation was deteriorating fast:

*They have a shortage of food, are sharing between one another, but soon will face a complete shortage, so they're thinking about fleeing, but are not sure what to do... [The security forces] are warning people, "we'll kill you very soon".*¹⁹⁶

Esouf Ali, Rohingya village administrator for Nga Yant Chaung village tract in Buthidaung, described a similar situation:

Military chiefs and Maung Lone [the Rakhine village administrator for the mixed Rakhine/Rohingya Nga Yant Chaung village tract] come frequently to visit the people who are still there... They are basically under village arrest. They have the chance to flee to Bangladesh, but it's risky because there are some Rakhine who live at the bottom of the mountains and so it's dangerous to flee in small groups. When we fled, we were a group of 50,000 people, so we were safe.

¹⁹⁵ Interview with Juhar Mohammed, Kutupalong camp, 31 October 2017.

¹⁹⁶ Ibid.



Children playing near latrines in the detention camp complex just outside Sittwe, 2014

Conditions in central Rakhine state's detention camps, including those in Sittwe, Pauk Taw, Kyauk Taw, and Mrauk U continue to threaten the physical and mental health of Rohingya. The Rohingya in central Rakhine have been largely imprisoned since 2012 when, during campaigns of state-organised violence in June and October, over 120,000 Rohingya were herded into camps on the outskirts of Sittwe. Rohingya in surrounding areas became confined to prison villages due to the very real threat of violence. Some 4,500 remain trapped in downtown Sittwe's highly securitised ghetto, Aung Mingalar.¹⁹⁸

In these places of dangerous isolation, the state has systematically weakened the Rohingya population. In 2015, ISCI described conditions in the camps as destroying both agency and purposefulness. This weakening has been orchestrated through planned illness, hunger, loss of livelihood and the removal of basic human rights. Compounding the physical and psychological weakening that illness, hunger and humiliation bring, the Rohingya suffer sporadic and unpunished violence, torture and killings.

Through these processes the Myanmar state has systematically destroyed what Claudia Card describes as 'social vitality', a virtue that '... exists through relationships, contemporary and intergenerational, that create an identity that gives meaning to a life'.¹⁹⁹ In place of 'social vitality' the Rohingya now endure 'social death'.²⁰⁰

The lives of those Rohingya remaining in central Rakhine are now increasingly marred by fear and anxiety knowing the fate of their kin in the north. They remain weakened, trapped and terrified.

198 Green, P, MacManus, T and de la Cour Venning, A, *Countdown to Annihilation: Genocide in Myanmar*, p.94.

199 Card, C, 'Genocide and Social Death', *Hypatia*, 18(1), Winter 2003, pp.63-79, at p.63.

200 Ibid.

5.2 TREACHEROUS FLIGHTS FROM GENOCIDAL VIOLENCE

The genocidal murder of Rohingya is not confined to military 'cleansing operations'. The perilous, arduous journeys to Bangladesh took countless more lives. Some Rohingya were shot by the army as they fled. Some were simply too weak or ill to survive the journey.

Mohammed Shoaib from Thin Ga Net in Buthidaung described his gruelling journey:

There were more than 50,000 of us fleeing in our group – this is a guess but from the hills I could see the long line of people... It was very difficult and took 12 days to reach the border – we had to cross the Mayu mountains. We walked through the monsoon and thick mud. We had no food or water, it was very hot and we faced heavy rain. Sometimes we had to swim across rivers and streams. We slept in the hills under open skies. We were very frightened of the military – that's why we travelled together.

When we arrived near the border at Kwan Se Bong on the Burmese side, the military stopped us – near paddy fields – and started shooting at us. Many people were killed by bullets. My wife, my 14-year-old daughter and my 16-year-old son were all shot but they are alive. All of us lay down on the ground and pretended to be dead. Ten to 15 people were killed and over 200 injured. When the military left we crossed the border by small boat to Palon Khali.²⁰¹

Sultan Ahmed, the Rohingya village administrator of Tula Toli, emotionally described his ordeal:

It took us three days to walk to Bangladesh. On the way there were military in Balukhali [a village in Myanmar]. The military shot at us with at least 40 bullets, 40 times no one was injured but I saw three dead bodies as we crossed the mountain. No Rohingya stayed behind.²⁰²

Mohammed E Salam explained what happened after they fled the massacre in Taung Bazar, Buthidaung, in late August:

We spent five days at Ki Na Si before the military attacked and we fled again. [Then] one night in Gu Pi, and we continued to run. Then three days at Fataya. The military was shooting, coming towards the village. After we heard the military voices we started running again. Then we arrived at the mountains, Fataya Dalla – the biggest mountain. The crossing took three days. We saw dead bodies, shot and burnt along the way – five to six bodies, they smelled bad. We were about 100,000 people altogether.²⁰³



Rohingya refugees resting in the Mayu mountains on their treacherous journey to relative safety in Bangladesh, late August 2017

201 Interview with Mohammed Shoaib, Kutupalong camp, 3 November 2017.

202 Interview with Sultan Ahmed, Balukhali camp, 4 November 2017.

203 Interview with Mohammed E Salam, Balukhali camp, 31 October 2017.

5.3 DANGER AND DEATH IN THE BANGLADESH CAMPS

Once in Bangladesh, the Rohingya face isolation, further weakening and death. The makeshift camps around 90 minutes' drive south-east of Cox's Bazar are the 'temporary' home to over 1 million Rohingya, 800,000 of whom have arrived since October 2016.



Precarious new settlements in a Bangladesh refugee camp put residents at almost constant risk of landslides and flooding, November 2017

'Cox's Bazaar' Camps

The camps in Bangladesh comprise the Kutupalong-Balukhali expansion site, Kutupalong refugee camp, Leda makeshift settlement, Nayapara refugee camp, and the new 'spontaneous' settlements of Hakimpura, Thankhali, Unchiprang, Jamtoli, Moynarghona, Chakmarkul, and the host communities of Cox's Bazar Sadar, Ramu, Teknaf and Ukhia.²⁰⁴

²⁰⁴ Inter Sector Coordination Group (ISCG), 'Situation Update: Rohingya Refugee Crisis', 7 December 2017: https://reliefweb.int/sites/reliefweb.int/files/resources/171207-iscg_sitrep_one_pager_final.pdf. Accessed 9 April 2018.



Open sewers in Balukhali camp, Bangladesh. The lack of sanitation in the vast camps rapidly spreads life-threatening illnesses.

Of the dramatic numbers of Rohingya new arrivals in Bangladesh since 25 August 2017, 58% were children and 60% were girls and women.²⁰⁵ According to UNHCR, lone women headed around one in six (16%) of the newly arrived families.²⁰⁶

The camps should be understood as an important and planned part of the Myanmar state's genocidal finale. Genocide scholar Daniel Feierstein describes strategies of physical destruction as including overcrowding, malnutrition, epidemics, lack of health care, torture, and sporadic killings. Psychological destruction occurs through humiliation, abuse, harassment or killing of family members, and attempts to undermine solidarity through collective punishment.²⁰⁷ Having held between 120,000 and 140,000 Rohingya in camps, prison villages, and Sittwe's Aung Mingalar ghetto in central Rakhine state since 2012, the Myanmar authorities are acutely aware of the dangerous consequences of camp life on the physical and psychological health and well-being of its inhabitants – consequences ISCI documented in the 2015 report, *Countdown to Annihilation*.²⁰⁸

The conditions that awaited the Rohingya in Bangladesh were entirely foreseeable. By driving the Rohingya into these camps, the Myanmar state deliberately inflicted on the Rohingya conditions of life calculated to bring about their destruction – overcrowding, disease, malnutrition, death and injury from floods and mudslides, trampling by elephants, human trafficking, malnutrition and lack of adequate health care in the world's most densely-populated settlement of refugees.²⁰⁹ In other words, although the Rohingya in Bangladesh are geographically outside the Myanmar state's reach, the state continues to inflict indirect harm on them by the very nature of the camps and the speed of the exodus. The potential and reality of epidemics and other mortal dangers, and the incapacity of a country as poor as Bangladesh to respond adequately to a refugee crisis of this vast scale, ensures that the future of the Rohingya, as a Myanmar people, is effectively destroyed.²¹⁰

205 UNICEF, 'Bangladesh Humanitarian Situation Report No.25 (Rohingya influx)'.

206 United Nations High Commissioner for Refugees, 'RRRG Fact sheet- Family Counting (As of 1 December 2017)', *Reliefweb*, 3 December 2017: <https://reliefweb.int/report/bangladesh/rrrc-fact-sheet-family-counting-01-december-2017>.

207 Feierstein, D, *Genocide as Social Practice*.

208 Green, P, MacManus, T and de la Cour Venning, A, *Countdown to Annihilation: Genocide in Myanmar*.

209 Reuters, 'The Rohingya Crisis: Life in the camps', 4 December 2017: <http://ingfx.thomsonreuters.com/gfx/rngs/MYANMAR-ROHINGYA/010051VB46G/index.html>. Accessed 9 April 2018.

210 An August 2017 UN report revealed a sudden and significant deterioration in the humanitarian situation in the already underdeveloped district of Cox's Bazaar, including: 'an alarming level of malnutrition in the camps, high levels of psycho-social stress due to low birth spacing, large family sizes and cramped living conditions; poor sanitation and hygiene practices; inadequate access to safe drinking water.' See, United Nations Central Emergency Response Fund (UNCERF) 'Resident / Humanitarian Coordinator Report on the Use of CERF Funds: Bangladesh Rapid Response Displacement 2016', 26 November 2017, p.4: http://www.unocha.org/cerf/sites/default/files/CERF/HCRCReports/16-RR-BDG-23507-_BANGLADESH_RCHC_REPORT.pdf. Accessed 9 April 2018.

A risk assessment conducted within the Kutupalong and Balukhali camps predicts that at least 100,000 refugees are in imminent 'grave danger' from landslides and floods and that a third of the area may become flooded: 'As a result, more than 85,000 refugees could lose their shelters. Another 23,000 refugees living on steep slopes within the site could be at risk of landslides'.²¹¹ Another report warns that latrines, washrooms, tube wells, and health centres may also be washed away, and the few roads that provide access to the camps will become inaccessible.²¹²

The high density of already critically impoverished people exacerbates risk of disease, which has already claimed many lives. And at the end of January 2018, some 5,000 cases of suspected diphtheria had been reported with some 38 deaths.²¹³ By the end of 2017, there had been up to 40,000 cases of acute diarrhoea (since 25 August) and less than a quarter of the funding needed for WaSH (water, sanitation and hygiene) had been received by agencies.²¹⁴ ISCI researchers observed numerous latrines and water sources adjacent to each other and not the minimum of 30m apart as required by sanitation guidelines. The UN reported in July 2017 an insufficient number of latrines and bathing facilities, which were also not well lit nor sex-segregated, as being a key source of concern.²¹⁵ UNHCR standards prescribe that 20 people should share a communal latrine in emergency camps of this kind; in Balukhali the ratio is 115 people per latrine.²¹⁶ Not surprisingly, a recent WHO Bangladesh survey found that 91% of household and 60% of source samples were contaminated with *E. coli*.²¹⁷

The vulnerability to disease of those arriving speaks to the systematic weakening the Rohingya were suffering in Myanmar prior to the outbreak of genocidal violence. A 2014 survey in northern Rakhine State²¹⁸ found that more than 70% of children across Maungdaw and Buthidaung had experienced an acute morbidity, such as diarrhoea, an acute respiratory infection, or fever, during the two weeks leading up to the survey. By July 2017 the World Food Programme (WFP) warned that more than 80,000 children under five living in majority-Muslim areas of Rakhine state were experiencing 'wasting', a potentially fatal condition of rapid weight loss, and that a third of all homes in Maungdaw were experiencing extreme food deprivation.²¹⁹

The alarmingly overcrowded camp conditions exacerbate risks surrounding disease, personal security, wellbeing, and privacy. In an interview with ISCI researchers, Rob Onus, emergency coordinator for the medical relief agency MSF described the danger of impending catastrophe in the camps in terms of pressures on sanitation, food and water.²²⁰ The stressful overcrowded living conditions and scarce resources has led to heightened levels of emotional distress, and 'negative coping mechanisms including begging, survival sex work and sex for food'.²²¹

211 The risk assessment was conducted by Dhaka University, UNHCR, IOM, REACH and Asian Disaster Preparedness Centre - Mahacic, A, (UNHCR), 'UNHCR Warns monsoons in Bangladesh could put projection of Rohingya refugees at serious risk', 2 February 2018: <http://www.unhcr.org/news/briefing/2018/2/5a742c4d4/unhcr-warns-monsoons-bangladesh-protection-rohingya-refugees-serious-risk.html>. Accessed 9 April 2018.

212 Ibid.

213 Department for International Development (DFID), 'UK Emergency Medical Team heads home after bringing Bangladesh diphtheria outbreak under control', 3 February 2018: <https://www.gov.uk/government/news/uk-emergency-medical-team-heads-home-after-bringing-bangladesh-diphtheria-outbreak-under-control>. Accessed 11 April 2018.

214 Allard, T and Paul, R 'Risks Grow for Rohingya in Bangladesh's Teeming, Squalid Camps', *Reuters*, 4 December 2017: <https://www.reuters.com/article/us-myanmar-rohingya-camps/risks-grow-for-rohingya-in-bangladeshs-teeming-squalid-camps-idUSKBN1DY0P5>. Accessed 4 March 2018.

215 United Nations Central Emergency Response Fund (UNCERF), 'Resident / Humanitarian Coordinator Report on the Use of CERF Funds: Bangladesh Rapid Response Displacement 2016', p.4.

216 Reuters, 'The Rohingya Crisis: Life in the camps', 4 December 2017: <http://fingfx.thomsonreuters.com/gfx/rngs/MYANMAR-ROHINGYA/010051VB46G/index.html>. Accessed 9 April 2018.

217 WHO Bangladesh, 'MMWB Morbidity and Mortality Weekly Bulletin, Cox's Bazar, Bangladesh', Vol. 8, 3 December 2017, <http://www.searo.who.int/bangladesh/mmwbvol8.pdf>, p.10. Accessed 10 April 2017.

218 Action Contre la Faim (ACF International), 'Nutrition Surveys of 6-59 Month Children Maungdaw and Buthidaung Townships November 2013 - December 2013', March 2014, p.72: http://themimu.info/sites/themimu.info/files/documents/Report_SMART_Survey_MaungdawButhidaung_ACF_Dec2013.pdf. Accessed 4 March 2018.

219 Holmes, O, 'UN report on Rohingya hunger is shelved at Myanmar's request', *The Guardian*, 17 October 2017: <https://www.theguardian.com/world/2017/oct/17/un-report-on-rohingya-hunger-is-shelved-at-myanmars-request>. Accessed 9 April 2018.

220 Interview with Robert Onus (Emergency Coordinator for Médecins San Frontières), Cox's Bazar, 29 October 2017.

221 UNCERF, 'Resident / Humanitarian Coordinator Report on the Use of CERF Funds: Bangladesh Rapid Response Displacement 2016'.

Many of the new arrivals are visibly traumatized and disoriented, suffering from the consequences of extreme violence, the loss of or separation from family members, and from the ordeal of displacement. Rape, human trafficking, and survival sex have been reported among the existing perils for women and girls during flight. Children's well-being and mental and physical development is affected by the incidents that led to their flight and there are growing numbers of separated and unaccompanied children being reported.²²²

These conditions which have been imposed on the Rohingya by virtue of genocidal violence, exacerbate their already critical vulnerabilities, and represent the continuation of a carefully planned genocidal process.



A man cradles his three-year-old son. The boy was separated from his parents during the attack on his village in northern Rakhine state and was only reunited with his family in Bangladesh.

²²² Watkins, R, 'Humanitarian Response Plan 2017, Rohingya Refugee Crisis', *Reliefweb*, p.4, October 2017: https://reliefweb.int/sites/reliefweb.int/files/resources/2017_HRP_Bangladesh_041017_2.pdf. Accessed 9 April 2018.



A burnt out car and the charred remains of Sein Nyein Pya market following an attack by the Myanmar army
Source: Rohingya refugee

6. ERADICATION FROM HISTORY: SYMBOLIC ENACTMENT

'This is not their land, they are not the real owners' – Tin Maung Swe, Rakhine State Secretary and senior official with the military-controlled General Administration Department, October 2017.²²³

Genocide does not end (nor does it begin) with the physical annihilation of victims. As this report has demonstrated, genocide occurs as a process the final phase of which combines denial by state perpetrators²²⁴ with the symbolic re-organisation of the society that remains and the 'imposition of the national life of the oppressor'.²²⁵ In the case of the Rohingya, this means their physical and symbolic removal from life in Myanmar. The goal of the genocidal process is to transform the society within which the genocide takes place, by destroying the way of life embodied by the victim group and replacing it with another.²²⁶

This final phase of social engineering is clearly evident in Myanmar. In northern Rakhine state authorities are 'scraping' clean the land upon which Rohingya once lived, bulldozing remaining structures and the natural environment, while establishing new military, residential and economic infrastructure.²²⁷

According to Feierstein, erasure of the memory of the victims, brought about by symbolic enactment, is an attempt to close the genocidal cycle: 'Not only do the victims no longer exist, but they allegedly "never existed"'.²²⁸ The Myanmar state, both civilian and military branches, has consistently denied the very existence of the Rohingya identity.

²²³ Robinson, G, 'Tensions over Rohingya return highlight donor dilemmas', *Nikkei Asian Review*, 27 October 2017: <https://asia.nikkei.com/Spotlight/Rohingya-crisis/Tensions-over-Rohingya-return-highlight-donor-dilemmas>. Accessed 9 April 2018.

²²⁴ Stanton, G, 'The Ten Stages of Genocide', *Genocide Watch*, 2013, (Originally presented as a briefing paper, 'The Eight Stages of Genocide' at the US State Department in 1996): <http://www.genocidewatch.org/genocide/tenstagesofgenocide.html>. Accessed 10 April 2018.

²²⁵ Feierstein, D, *Genocide as Social Practice*.

²²⁶ Ibid.; Lemkin, R, 'Genocide - A Modern Crime'.

²²⁷ Amnesty International, 'Myanmar: Military Land Grab as Security Forces Build Bases on Torched Rohingya Villages'.

²²⁸ Feierstein, D, *Genocide as Social Practice*, p.126.

6.1 DENIAL AND COVER-UP

In Chapter 4, section 2 we discussed the Myanmar state's denial of mass rape. Oppressive regimes frequently adopt an official discourse of state crime denial designed to generate support for violent activities. Common narratives issued by criminal governments include, 'it didn't happen, they are lying', 'the media is biased', 'the world community is picking on us' or 'it was necessary in order to protect national security against terrorism'.²²⁹



The official Facebook page of Aung San Suu Kyi's State Counsellor's office, proclaiming that reports of mass rape in October 2016 were false.

The Myanmar state has deployed all these familiar strategies of denial.

Senior General Min Aung Hlaing, for example, meeting Malaysia's Defence Forces Chief in December 2016, declared, 'The Bengali problems in the northern Rakhine state occurred because of the Bengalis' failure to abide by the existing laws of Myanmar'.²³⁰ He went on to claim in a 2 September 2017 Facebook post, 'There is no oppression or intimidation against Bengalis in Rakhine region'.²³¹ An 'investigation' into human rights violations by Myanmar's security forces, conducted by the Tatmadaw True News Information Team, concluded that, according to the responses and confessions of 'Bengali villagers', 'security forces did not commit shooting at innocent villagers and sexual violence and rape cases against women. They did not arrest, beat and kill the villagers. They did not totally destroy, rob and take property, gold and silver wares, vehicles and animals of villagers from the villages and displaced villages. They did not set fire to the mosques in Bengali villages... They did not threaten, bully and drive out the villagers... and they did not set fire to the houses'.²³²

²²⁹ Cohen, S, 'Human rights and crimes of the state: the culture of denial', *Australia & New Zealand Journal of Criminology*, 26(2), July 1993, pp.97-115.

²³⁰ Senior General Min Aung Hlaing, *Facebook* post, 6 December 2016.

²³¹ Senior General Min Aung Hlaing, *Facebook* post, 2 December 2017.

²³² Tatmadaw True News Team, 'Information released by the Tatmadaw True News Information Team on the findings of the Investigation Team in connection with the performances of the security troops during the terrorist attacks in Maungdaw region, Rakhine State', *Facebook* post, 13 November 2017: <https://www.facebook.com/Cincds/posts/1511217488999111>. Accessed 10 April 2018.

Myanmar's official policy of blanket denial represents a remarkable Orwellian-style distortion of reality when compared with overwhelming evidence of brutal genocidal violence. In her now infamous first address on the Rohingya 'clearances', an address notably made in English for an international audience, State Counsellor Aung San Suu Kyi resorted to classic tropes of state crime – denial, lies and cover-ups. While researchers, journalists and international humanitarian agencies were being denied access to northern Rakhine state, she claimed: 'As a respectable member of the community of nations, Myanmar does not fear international scrutiny...' ²³³ Her claim that 'we have not tried to hide anything on Rakhine' can, however, only be interpreted as denial, particularly in light of her government's refusal to issue visas for three UN investigators on the grounds that such an investigation would 'aggravate' the situation in northern Rakhine state, and its refusal to cooperate with UN Special Rapporteur Yanghee Lee. ²³⁴

Moreover, at the very moment that Rohingya were fleeing their burning villages to escape the knives, bullets, sexual violence and pillaging of her security forces, Aung San Suu Kyi declared: 'Since 5 September there have been no armed clashes and there have been no clearance operations'. ²³⁵ Suu Kyi's military-shielding propaganda was subsequently discredited by reports and satellite imagery analysis that revealed ongoing burning of property and violence on the part of security forces after 5 September. ²³⁶ During the same week that Myanmar and Bangladesh reached a repatriation agreement (23 November 2017), Rohingya remaining inside Myanmar reported to contacts in Bangladeshi camps that dozens of structures in Rohingya villages were still being destroyed by Myanmar's security forces. ²³⁷ As an example of the almost absurd nature of denials: Suu Kyi spokesperson Zaw Htay, denied accusations of denial: 'We are not denying the allegations about violations of human rights. And we are not giving blanket denials', he said. ²³⁸

The resort by Myanmar's security forces to disappearances, the use of mass graves (particularly following massacres), and the burning of bodies and other forms of evidence through fire and the use of acid ²³⁹, are also part of the state's denial and cover-up of the genocide.

Sultan Ahmed from Tula Toli village described the concealment of bodies in mass graves:

The military then called some people to dig pits. They collected all the dead bodies, and threw the bodies in the pit. At this point some of the people were not dead, some only had injuries, but all were put in the pit. The Rakhine dug the pits, they also kept some Rohingya to dig the pits and collect the bodies and the plan was to then kill these people after. Those of us who fled could see all of this from the mountain. It's like when you're fishing, and someone puts all the fish in the same place, it's difficult to know how many were in the pit. My stepmother was killed, and the rest of her family were killed. I lost 14 family members. ²⁴⁰

Other Rohingya described the systematic burning of bodies following massacres. Rashan Ali, village administrator of Chut Pyin, said:

²³³ McPherson, P, 'Aung San Suu Kyi says Myanmar does not fear scrutiny over Rohingya crisis', *The Guardian*, 19 September 2017: <https://www.theguardian.com/world/2017/sep/19/aung-san-suu-kyi-myanmar-rohingya-crisis-concerned>. Accessed 10 April 2018. See also, DVB TV News, 'Daw Aung San Suu Kyi Speech on National Reconciliation and Peace', YouTube video, 19 September 2017 (09:53-10:00): <https://www.youtube.com/watch?v=HAWczUvNvLA> (Transcript available at Voltaire Network: <http://www.voltairenet.org/article198013.html>). Both accessed 9 April 2018.

²³⁴ Al Jazeera, 'Commission Urges Myanmar to End Rohingya Restrictions', 24 August 2017: <http://www.aljazeera.com/news/2017/08/commission-urges-myanmar-rohingya-restrictions-170824083520877.html>. Accessed 9 April 2018.

²³⁵ DVB TV News, 'Daw Aung San Suu Kyi Speech on National Reconciliation and Peace'.

²³⁶ Amnesty International, 'Myanmar: Video and Satellite Evidence Shows New Fires Still Torching Rohingya Villages', 22 September 2017: <https://www.amnesty.org/en/latest/news/2017/09/myanmar-video-and-satellite-evidence-shows-new-fires-still-torching-rohingya-villages/>. Accessed 9 April 2018.

²³⁷ Personal communication with Rohingya in Kutupalong and Balukhali, 24 November 2017; Human Rights Watch, 'Burma: 40 Rohingya Villages Burned Since October'.

²³⁸ Chalmers, J, 'Reuters Report on Myanmar Massacre Brings Calls for Independent Probe', *Reuters*, 9 February 2018: <https://www.reuters.com/article/us-myanmar-rakhine-events-reaction/reuters-report-on-myanmar-massacre-brings-calls-for-independent-probe-idUSKBN1FT0X5>. Accessed 9 April 2018.

²³⁹ Klug, F, 'AP Finds Evidence for Graves, Rohingya Massacre in Myanmar', *Associated Press News*, 1 February 2018: <https://www.apnews.com/ef46719c5d1d4bf98cfefcc4031a5434>. Accessed 9 April 2018.

²⁴⁰ Interview with Sultan Ahmed, Balukhali camp, 4 November 2017.

*The Rakhine and military tied rope around the necks of bodies and dragged them to a place, put hay on them and set them on fire. They also threw bodies in any houses still standing and burnt them. I saw them burn around 100 bodies. I climbed up a tree to watch them doing this.*²⁴¹

Associated Press confirmed the destruction of, and presence of the mass grave at, 'Gu Dar Pyin' through interviews with about 25 survivors, time-stamped video and satellite images. Myanmar authorities responded to the allegations by saying that they had sent the BGP to investigate and were told that that 'no such things happened' and that 'terrorists' and been killed and 'carefully buried'.²⁴²

Despite the blanket denials, the Myanmar army replaced the BGP chief, Brigadier-General Thura San Lwin, in October and Major-General Maung Maung Soe in November 2017 without explanation. The US imposed sanctions on Major-General Maung Maung Soe in December 2017, freezing any US assets. He remains 'the only Myanmar official the United States has sanctioned over the Rohingya expulsion'.²⁴³ Aung San Suu Kyi's spokesperson, Zaw Htay, responded by stating: 'This targeted sanction is based on unreliable accusations without evidence, as we have repeatedly said, so we feel sad for that'.²⁴⁴

The Myanmar government has deployed another traditional tactic of criminal regimes – using members of the victim community to deny the cause of their victimhood. Some attempts have been crude and easily exposed. During a government controlled media tour of Maungdaw early September 2017, police told journalists Rohingya had burned down their own homes. At the sight of smoke plumes in the distance BBC journalists managed to briefly escape the tour, rushing by foot towards the burning village where a Rakhine Buddhist admitted to having set fire to the village with the help of police.²⁴⁵ During the same tour the BBC exposed the Myanmar government's elaborate staging of Hindu women posing as Rohingya Muslims setting fire to their own homes.²⁴⁶

Other practices reveal a frightening atmosphere characterised by violent threats and intimidation for Rohingya who remain in northern Rakhine state. According to a number of Rohingya refugees interviewed by ISCI, the authorities have exerted extreme pressure on family and friends who remain in Rakhine state to inform the outside world that ARSA – not Myanmar security forces – are responsible for the terror, the massacres and the burning of villages. The security forces were, interviewees said, priming them to repeat the lies of the government if and when they become subject to international scrutiny. Juhar Mohammed, for instance, said:

*The army and BGP want to hide what they did. They want people to say they didn't kill, burn; that ARSA killed and we burnt our own houses.*²⁴⁷

Noor Amin too relayed information he received from Maungdaw:

*The BGP and the military have been calling meetings with the remaining people in northern Rakhine state and telling them to tell outsiders that the violence was conducted by ARSA. They tell them, "If the investigation committee arrives from the world, then you people must say these homes were burnt by ARSA and that people fled because they were afraid of ARSA".*²⁴⁸

²⁴¹ Interview with Rashan Ali, Thankhali camp, 31 October 2017.

²⁴² Associated Press, 'Myanmar Government Denies AP Report of Rohingya Mass Graves', 5 February 2018: <https://www.ap.org/ap-in-the-news/2018/myanmar-government-denies-ap-report-of-rohingya-mass-graves>. Accessed 9 April 2018.

²⁴³ Paddock, R, 'For Myanmar Military, Ethnic Bloodletting is Key to Power and Riches', *The New York Times*, 28 January 2018: <https://www.nytimes.com/2018/01/27/world/asia/myanmar-military-ethnic-cleansing.html>. Accessed 9 April 2018.

²⁴⁴ Shoon Naing and Lewis, S, 'Myanmar says U.S. Sanctions Against General Based on "Unreliable Accusations"', Reuters, 27 December 2017: <https://mobile.reuters.com/article/amp/idUSKBN1EL11X>. Accessed 9 April 2018.

²⁴⁵ Head, J, 'BBC Reporter in Rakhine: "A Muslim village was burning"', *BBC News*, 7 September 2017: <http://www.bbc.co.uk/news/world-asia-41189564>. Accessed 9 April 2018.

²⁴⁶ Head, J, 'Rohingya Crisis: Seeing through the official story in Myanmar', *BBC News*, 11 September 2017: <http://www.bbc.com/news/world-asia-41222210>. Accessed 9 April 2018.

²⁴⁷ Interview with Juhar Mohammed, Kutupalong camp, 31st October 2017.

²⁴⁸ Interview with Noor Amin, Leda camp, 1 November 2017.

In a November 2017 interview with ISCI researchers, Esouf Ali, Rohingya village administrator for Nga Yant Chaung village tract in Buthidaung, reported similar telephone conversations with friends in Buthidaung:

The authorities are keeping these people there in case of an international investigation, so they can tell the investigators that the military did not burn the houses, and didn't kill, but that we burnt our own houses down. When the BGP, army or [Rakhine administrator] visited these people they warned, "if you don't say what we instruct, we will kill you".

In March 2018, Adama Dieng, UN Special Adviser on the Prevention of Genocide, stated:

All the information I have received indicates that the intent of the perpetrators was to cleanse northern Rakhine state of their existence ... possibly even to destroy the Rohingya as such, which, if proven, would constitute the crime of genocide.²⁴⁹

In response, the chief coordinator of the Myanmar government body dedicated to the Rohingya crisis, U Aung Tun Thet, stated, 'There is no ethnic cleansing or genocide in our country... Accusations are very easy to make, but we are not involved in anything at all'. He went on to blame Rohingya victims themselves, claiming, 'According to the information from the reliable sources on the ground, most of these people fled in panic just after the military operations following the terrorist attacks, for fear of being arrested for their involvement or on suspicion'. He continued that many Rohingya 'were persuaded to flee' by the prospect of 'better livelihood at the camps in Bangladesh' according to the New York Times.²⁵⁰

Denial has also involved attempts to obstruct all independent investigations surrounding the allegations of abuse. In addition to refusals to cooperate with human rights investigative bodies mandated by the UN, Myanmar's authorities have attempted to silence and intimidate the press. For example, on 31 October 2016, Myanmar Times journalist Fiona MacGregor was sacked at the instigation of the Ministry of Information and following Facebook denunciations by the President's Office spokesman, U Zaw Htay, for publishing allegations of the rape of dozens of Rohingya women by the army.²⁵¹ The same day MacGregor was fired, Myanmar Times staff were ordered to suspend news reports on events in Rakhine state.²⁵² The detention, in December 2017, of Reuters journalists, Wa Lone and Kyaw Soe Oo, in connection with a ground-breaking investigation into the Inn Din massacre²⁵³ demonstrates a continuing and concerted effort by the authorities to intimidate journalists seeking to reveal the scale of the genocide.

249 United Nations Secretary-General, 'Note to Correspondents: Statement by Adama Dieng, United Nations Special Adviser on the Prevention of Genocide, on his visit to Bangladesh to assess the situation of Rohingya refugees from Myanmar', 12 March 2018: <https://www.un.org/sg/en/content/sg/note-correspondents/2018-03-12/note-correspondents-statement-adama-dieng-United-nations>. Accessed 10 April 2018.

250 Beech, H and Saw Nang, 'Myanmar Rejects UN Findings: "No Ethnic Cleansing or Genocide in Our Country"', *The New York Times*, 14 March 2018: <https://www.nytimes.com/2018/03/14/world/asia/un-myanmar-rohingya-genocide.html>. Accessed 9 April 2018.

251 Zaw Htay, 'Fiona MacGregor from Myanmar Times is Reported Article "Dozens of rapes reported in northern Rakhine State" by "Uncredible" sources', Facebook post, 28 October 2016: <https://www.facebook.com/z.y.zawhtay/posts/1114892715274482>. Accessed 9 April 2018.

252 Amnesty International, 'Myanmar: Military Land Grab as Security Forces Build Bases on Torched Rohingya Villages'.

253 Wa Lone, Kyaw Soe Oo, Lewis, S and Slodkowski, A, 'Massacre in Myanmar: A Reuters Special Report', *Reuters*, 8 February 2018: <https://www.reuters.com/investigates/special-report/myanmar-rakhine-events/>. Accessed 9 April 2018.

6.2 ERASURE OF HISTORY AND CULTURE

The testimonies gathered reveal a consistent and credible pattern of cultural and identity erasure orchestrated and perpetrated by the Myanmar state. Interviewees in the Bangladesh camps provided a vivid picture of the systematic burning of houses and destruction of villages; pillage by state security forces and Rakhine extremists; and the theft of livestock, crops and land during the period of curfew and following the Rohingya exodus. Satellite imagery reveals the absolute destruction of Rohingya way of life in northern Rakhine state – including the ongoing bulldozing and redevelopment of formerly productive land integral to the existence of thriving Rohingya communities.²⁵⁴



Sein Myein Pya market, the focal point of the community, after it was destroyed by the army. *Source: Rohingya refugee*

Both Amnesty International and Human Rights Watch have published analysis of satellite imagery demonstrating the continued destruction of Rohingya villages and property, including religious buildings and vegetation, in an attempt to completely wipe out all memory that the Rohingya once lived in the region.²⁵⁵ Human Rights Watch claims that at least two Rohingya villages demolished early 2018 were previously undamaged by fire and likely inhabitable and that hundreds of buildings in ten other villages partially destroyed by arson have been since demolished.²⁵⁶

OHCHR reported that the widespread destruction ‘indicates an effort to effectively erase all signs of memorable landmarks in the geography of the Rohingya landscape and memory in such a way that a return to their lands would yield nothing but a desolate and unrecognizable terrain’.²⁵⁷

Further, many of those ISCI interviewed reported the targeting of Rohingya leaders, teachers, mullahs and imams – those members of the community who traditionally hold and pass on cultural, social and religious history.²⁵⁸ The implications of this targeting extend widely. The Rohingya language, too, is at risk

²⁵⁴ Amnesty International, ‘Myanmar: Military Land Grab as Security Forces Build Bases on Torched Rohingya Villages’; Human Rights Watch, ‘Burma: Scores of Rohingya Villages Bulldozed’, 23 February 2018: <https://www.hrw.org/news/2018/02/23/burma-scores-rohingya-villages-bulldozed>. Accessed 9 April 2018; Human Rights Watch, ‘Burma: 40 Rohingya Villages Burned Since October’.

²⁵⁵ Ibid.

²⁵⁶ Human Rights Watch, ‘Burma: Scores of Rohingya Villages Bulldozed’.

²⁵⁷ Interview with Noor Nahar, Thankhali Camp, 31 October 2017. See also, OHCHR, ‘Brutal attacks on Rohingya meant to make their return almost impossible – UN human rights report’, 11 October 2017: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22221>. Accessed 4 March 2018.

²⁵⁸ OHCHR ‘Mission report of rapid response mission to Cox’s Bazar, Bangladesh, 13-24 September’, 24 September 2017, p.1: <http://www.ohchr.org/Documents/Countries/MM/CXBMissionSummaryFindingsOctober2017.pdf>. Accessed 11 April 2018.

of annihilation. Translators Without Borders reports that the survival of the Rohingya language is at risk because, as a predominately oral language, it is particularly susceptible to destruction through the targeting of those with formal education.²⁵⁹ According to a survey conducted by Translators Without Borders 73% of Rohingya in camps south of Cox's Bazar are illiterate. The organization noted that 'literacy rates are especially low amongst populations who arrived in Bangladesh after 25th August 2017'.²⁶⁰ The majority of respondents were not even aware that a written Rohingya script existed, because of restrictions on the teaching of the Rohingya language in Myanmar. Those who were familiar with the script ranked it as their first priority for language education²⁶¹, signalling a resilience and passionate desire to retain identity.

As Card writes, 'The loss of such connections, connections that link an individual to both the past and future, is a "profound loss", the consequence of which is social death'.²⁶² The old life of the Rohingya has been destroyed – there is almost no possibility of return.

6.3 APPROPRIATION OF PROPERTY AND REMAKING NORTHERN RAKHINE STATE

'The terrorist attacks in Rakhine State that began on 25 August and prompted an exodus have made the harvest of rainy season paddy crops a challenge, which is why the Agriculture Mechanisation Department has arrived to assist with 24 combine harvesters'.²⁶³



Source: Myanmar agriculture mechanisation department

²⁵⁹ Translators Without Borders, 'Rohingya Zuban: A Translators without Borders rapid assessment of language barriers in the Cox's Bazar refugee response', 11 December 2017: <https://www.arcgis.com/apps/Cascade/index.html?appid=683a58b07dba4db189297061b4f8cd40>. Accessed 10 April 2018.

²⁶⁰ Our thanks to Virginia Moncrieff, CWC Working Group, for introducing us to the work of Translators Without Borders.

²⁶¹ Translators Without Borders, 'Rohingya Zuban'.

²⁶² Quoted in Wise, L, 'Social death and the loss of a 'world': an anatomy of genocidal harm in Sudan', p.840.

²⁶³ Myanmar News Agency, 'Harvesting combines arrive in Rakhine State', *The Global New Light of Myanmar*, 25 October 2017: <http://www.globalnewlightofmyanmar.com/harvesting-combines-arrive-rakhine-state/>. Accessed 10 April 2018.

After the military 'clearance operations', the Myanmar government swiftly appropriated Rohingya lands, livestock and property, re-zoned the area and planned new 'special economic zones'.²⁶⁴ Its intentions were made clear by Tin Maung Swe, Rakhine State Secretary and senior official with the military-controlled General Administration Department. He told the Nikkei Asian Review in October 2017, while the genocidal clearances were still happening, that the land would be re-purposed for new villages for 'settlers within Rakhine state and further afield', and industries such as forestry and agriculture. He underscored the state's intentions: 'This is not their land, they are not the real owners, the owner is the nation, our ancestors, we never will give them away...' ²⁶⁵

Appropriation of the annihilated group's property is another mechanism contributing to the historical erasure of a group's memory. Rohingya interviewed described how even during the curfew and before they fled the 2017 violence, some Rakhine villagers, BGP or soldiers had taken over the harvesting of Rohingya paddy fields and the husbandry of Rohingya cattle. According to Rashan Ali from Chut Pyin, interviewed in Thankhali camp, 31 October 2017:

When they first arrived at the camp in 2012, the Myanmar army and the BGP demanded food, buffalos, chickens, goats, and cows. Later, they simply stole the animals and food. Five days before the attack they stole goats, chickens, cows, buffalos and vegetables. Normally the animals are in the paddy fields. Whoever was there simply took it – the military, the Rakhine and the BGP.

The concept of 'ownerless cattle', invoked without mention of the context of mass forced expulsion and murder, is an example of the emergence of a 'new' history of Rakhine state. According to the President's Office on 9 November 2017,²⁶⁶ the government's Livestock Breeding and Veterinary Department 'is providing free medical treatment to animals in Maungdaw Township, Rakhine State. The department has already provided medical treatment to 266 cattle and 616 goats... The local township medical team is still providing free medical treatment in the villages and has not been able to find more ownerless cattle, which were numerous in recent months'.²⁶⁷

Cattle in Maungdaw Township vaccinated

THE Livestock Breeding and Veterinary Department is providing free medical treatment to animals in Maungdaw Township, Rakhine State. The department has already provided medical treatment to **266 cattle and 616 goats.** The local township veterinary team has provided free vaccination to animals in Pan Taw Pyin camp, Khon Dine camp, Ngakuya villages and other villages.



The Livestock Breeding and Veterinary Department is providing free veterinary care to cattle and goats in Maungdaw Township. **PHOTO: MNA**

es. The local township medical team is still providing free medical treatment in the villages and has not been able to find more ownerless cattle, which were

numerous in recent months. The veterinary team plans to go to other villages in the region to provide vaccinations. — Myanmar News Agency ■

²⁶⁴ The Global New Light of Myanmar, 'Redevelopment of Maungdaw Region as per Disaster Management Law Dr Win Myat Aye', The Republic of the Union of Myanmar Ministry of Information, 27 September 2017, p.9: <http://www.burmalibrary.org/docs23/GNLM2017-09-27-red.pdf>. Accessed 9 April 2018.

²⁶⁵ Robinson, G, 'Tensions Over Rohingya Return Highlight Donor Dilemmas'.

²⁶⁶ The Republic of the Union of Myanmar President Office, 'Cattle in Maungdaw Township Vaccinated', 9 November 2017: <http://www.president-office.gov.mm/en/?q=issues/rakhine-state-affairs/id-7927>. Accessed 9 April 2018.

²⁶⁷ The Global New Light of Myanmar is a government-owned newspaper published by the Ministry of Information. The Myanmar News Agency (MNA) is an official state news agency of the Myanmar Government.

Similarly, the state has been quick to ensure that forcibly abandoned Rohingya crops and land no longer hold Rohingya provenance.

The Myanmar authorities have framed the reshaping of Rakhine state within the context of Natural Disaster Management Law. On 27 September 2017 the Myanmar Union Minister for Social Welfare, Relief and Resettlement, Dr Win Myat Aye, declared, 'There is a need to follow a law in managing the redevelopment works for terrorist acts that had occurred. In some places, it became a burnt land. According to the law, burnt lands become government managed lands'.²⁶⁸

The Ancillary Committee for Reconstruction of Rakhine National Territory in the Western Frontier, known locally as the CRR, has been established by Rakhine nationalists and lawmakers to re-shape demographics in the region.²⁶⁹ According to Oo Hla Saw, a Rakhine lawmaker, the CRR aims 'to establish a "Muslim-dry" buffer zone running the nearly 100 kilometres from state capital Sittwe to Maungdaw town'.²⁷⁰ In December 2017, independent Rakhine State lawmaker Than Maung Oo revealed that 13 families and 40 individuals from central Rakhine state were brought in for resettlement.²⁷¹ CRR members are reportedly offering settlers cash and new homes, fishing nets and land, celebrating them as Rakhine's 'western gate keepers'. Aye Chan, a Rakhine historian and CRR member noted that the group had informed the state government of its activities and had 'not been told to stop'.²⁷² In the context of tight militarisation and control in the region, this can only be interpreted as implicit approval within the ranks of government. Chillingly indicative of broader state policy, Oo Hla Saw went on to tell AFP journalists in March 2018, 'All of this area was under the influence of Muslims. After the military operations, they had to flee... so we have to establish this area with the Rakhine population' adding that he hopes the newly arrived population would be provided with material support 'so this little population can grow and grow'.²⁷³ One of the sites designated for re-settlement is Inn Din, the site of a brutal massacre orchestrated by security forces in August 2017 (and see Chapter 6, section 1).²⁷⁴

The Myanmar state has thus not only been quick to appropriate but also to embed that appropriation in what is becoming the 'new society'. A region which once embodied Rohingya culture, is now controlled by the Myanmar state and Buddhist Rakhine nationalists.

6.4 ROHINGYA RESILIENCE AND CAMP LIFE

'It is better for me in Bangladesh, I could save my life, if I didn't move to Bangladesh I would have been killed. Everything is bad here. Nothing makes us happy. We came to save our lives. With relief, we can eat but it's not enough to feed our spirits – that's because we are not happy. We eat enough food here but can't feel happy.' – Sultan Ahmed from Tula Toli, Maungdaw township, speaking to ISCI in November 2017.

Despite the repression and savagery which forced their flight, and the deep trauma suffered by all, the Rohingya are extraordinarily resilient.

That reliance has been, and continues to be, expressed in the lived experience of their escape from Myanmar and resettlement in Bangladesh. At the very moment their lives were threatened with destruction and their communities were in the process of being destroyed forever, Rohingya men and women protectively gathered up their official family documents – ID cards, marriage certificates, land tax receipts, laminated copies of white cards and the blue receipts furnished by the state upon their return. This foresight was borne from a powerful claim to a threatened identity and a deep understanding of the need to protect it as Rohingya leaders like Rashan Ali and Sayed Karim revealed in interviews. Wrapped and carefully packaged in double plastic bags several of those interviewed for this research took pride in showing these documents. As Sayed Karim from Maungdaw explained, showing the ISCI team a laminated copy of his 'white card', 'I deliberately did this, took a spare copy before I handed my white card in, because the government always plays with us'.²⁷⁵ His words and actions are reflective of a deep distrust of successive Myanmar regimes which have repeatedly sought to deny the Rohingya identity through a variety of identity 'verification' processes.

²⁶⁸ The Global New Light of Myanmar, 'Redevelopment of Maungdaw Region as per Disaster Management Law Dr Win Myat Aye', p.9.

²⁶⁹ Moe Myint, 'Settling Scores in Northern Rakhine'.

²⁷⁰ Agence France-Presse (AFP), 'With Rohingya gone, Myanmar's ethnic Rakhine seek Muslim-free "Buffer Zone"'.

²⁷¹ Moe Myint, 'Settling Scores in Northern Rakhine'.

²⁷² Ibid.

²⁷³ Agence France-Presse (AFP), 'With Rohingya gone, Myanmar's ethnic Rakhine seek Muslim-free "Buffer Zone"'.

²⁷⁴ Ibid.

²⁷⁵ Interview with Sultan Ahmed, Balukhali camp, 4 November 2017.

²⁷⁶ Interview with Sayed Karim, Nayapara community centre, 1 November 2017.

All the Rohingya interviewed for this report want eventually to return to Myanmar but only under conditions of equality and safety:

*Please highlight our real situation... We love Myanmar because we are native. ... When we return to Arakan, we need a safe zone to protect our lives. When the Myanmar government and Bangladesh government meet, they should also meet with us and have the UN present. We want to go back, we want citizenship rights and UN observers present for 15 years.*²⁷⁷

While the desire to return remains a preoccupation, the Rohingya are busy building new lives, communities and futures in the uncertain and temporary terrain they are now forced to live in.

The camps in Bangladesh are bustling communities. In Kutupalong, Balukhali and Thankhali schools and community centres are being built by Rohingya refugees. Children sing and play and mind their younger brothers and sisters. Bamboo carriers, well diggers, labourers, barbers, teachers, story tellers, fish and fruit sellers are all contributing to camp community life. In all sections of the camp complex there is purposeful activity and a sense of organisation and future-building – all wholly absent in the Sittwe camps which ISCI researchers visited in 2014-15, where repression, containment and social death pervade the atmosphere and provide a stark contrast. Upon arrival in Bangladesh Rohingya families are given plastic tarpaulins, food and limited cash with which to buy bamboo poles. They build their own huts from land they secure – usually for a fee in the region of 5,000 taka (about GBP£40 or USD\$60). Often they need to clear the land of trees before they can build. The camps have grown apace.

Another, and perhaps the most powerful and courageous feature of Rohingya resilience, is their commitment to reporting the genocide in all its detail, to bearing witness. Only two of the 70 men and women ISCI researchers spoke with chose anonymity. The desire to tell the story of the genocide and to be accountable for that telling was an overwhelming force amongst Rohingya interviewed. One example illustrates this most powerfully. At an International Organization for Migration (IOM) centre for new arrivals in Balukhali camp in early November 2017 Rohingya men and women queuing for registration documentation and aid vouchers willingly gave up their places for the opportunity to have ISCI researchers listen to and document the story of their persecution and flight at the hands of the Myanmar state.²⁷⁸

All this activity and commitment to documenting the genocide is possible because of a freedom which is not shared by those Rohingya who remain inside Myanmar. And despite the trauma of genocide and the pain of exile, freedom has, at least, meant life:

*We have had nearly two months in the camp since the 10th September – it is totally different here for eating, sleeping and moving. I am not happy – I am only happy in my own land. There is nothing good about being here – there is one difference only, here I am not afraid for my life – in Myanmar I was always afraid of death, arrest and torture. We don't need to be afraid anymore, because we have lost everything.*²⁷⁹

Throughout this report ISCI has sought to facilitate Rohingya resilience, and the resistance it embodies, by bearing witness to the testimonies so openly delivered.

²⁷⁷ Interview with Ismail Mohammed, Balukhali camp, 30 October 2017.

²⁷⁸ ISCI researchers took action to ensure the IOM registration and aid entitlement of these individuals would not be lost.

²⁷⁹ Interview with Rashan Ali, Thankhali camp, 31 October 2017.



Rohingya refugees rebuilding their lives in Bangladesh. A man carries bamboo poles, which form the basic structure of the temporary homes.



Rohingya refugees who fled from Myanmar wait to be let through by Bangladeshi border guards after crossing the border in Palang Khali, Bangladesh October 9, 2017. *Source: Reuters/Damir Sagolj*

7. CONCLUSION

The evidence collected by ISCI demonstrates categorically that the Rohingya have suffered genocide, and that this genocide continues.

For decades the Myanmar state has subjected the Rohingya to stigmatisation, dehumanisation, harassment, segregation, mass detention, violence and terror. Since 2012 Rohingya in central Rakhine state have experienced systematic weakening as a result of their detainment in camps, ghetto and prison villages. Those in northern Rakhine state have been subject to escalating violent intimidation, mass killings, mass rape and mass forced evictions, and life-limiting restrictions.

From October 2016 onwards the Myanmar state planned and prepared the final stages of genocide, including increased militarisation of northern Rakhine state and intensified violence and threats against the Rohingya. After 25 August 2017, state security forces, aided by Rakhine extremists emboldened by state persecution of the Rohingya, unleashed weeks of terror in a military 'cleansing operation' that saw tens of thousands of Rohingya slaughtered, hundreds of communities razed to the ground, and up to 700,000 people fleeing their homeland.

The genocide of Rohingya continues inside Myanmar and in the camps in Bangladesh. Those still in Myanmar – most in detention camps, prison villages and a tightly controlled ghetto – are at risk of annihilation through hunger, illness and continued violence and persecution. Those languishing in the vast, under-resourced camps in Bangladesh are at risk of annihilation through disease, malnutrition, mudslides and other dangers. Meanwhile, official Myanmar propaganda denies and covers up the genocide while continuing to vilify the Rohingya as 'other', as 'outsiders', as 'illegal Bengali immigrants' who are not the responsibility of the Myanmar state.

This report demonstrates that genocidal policies and practice were orchestrated at the highest levels of state in collusion with Rakhine extremists.

The international community too is culpable. It ignored clear warnings of the genocide and continues to exacerbate its culpability by failing to adequately support the Rohingya who have been forced to seek refuge in Bangladesh. As the final stages of the genocide were being prepared, and even after the massacres had begun, the international community remained unconscionably entranced by Aung San Sui Kyi, who as Myanmar's State Counsellor shielded and encouraged her military partners as they annihilated the Rohingya.

In 2015, Myanmar's Ministry of Foreign Affairs responded to ISCI's accusations of genocide with the words: 'The government and people of Myanmar do not recognise the term Rohingya as it is an invented terminology'.²⁸⁰ Myanmar leaders have effectively now removed the word 'Rohingya' from the lexicon of the Myanmar language.

²⁸⁰ Global New Light of Myanmar, 'Government and people of Myanmar do not recognize the Term "Rohingya" as it is an Invented Terminology', Burma Library, 9 November 2015, p.2: <http://www.burmalibrary.org/docs21/GNLM2015-11-09-red.pdf>. Accessed 4 March 2018.

Meanwhile, the UN Security Council has failed to refer Myanmar to the International Criminal Court and the international community remains inert. Asia has no regional mechanisms for addressing genocide and no regional human rights court. ASEAN maintains its non-interference policy. Key countries and regional organisations, including the USA, UK and EU, have offered no moral leadership and too little financial and logistical support to help Bangladesh cope with 1 million Rohingya refugees.

The future for those 1 million Rohingya men, women and children looks particularly bleak since Bangladesh and Myanmar signed a repatriation agreement under which the Rohingya are to be returned to concentration camps inside Myanmar, a society that has clearly shown it does not want them. The agreement, signed in November 2017 with no input from the Rohingya does not even mention the Rohingya by name. It is both unworkable and dangerous. Indeed, the repatriation agreement could simply be another stage in the planned, continuing annihilation of the Rohingya.

At the time of finalising this report in April 2018, repatriations had not begun, but hung ominously over the Rohingya sheltering in Bangladesh.

ISCI holds other concerns about the future safety of the Rohingya in Myanmar:

- those responsible for the genocide in Myanmar have not been held to account for their terrible crimes. In such circumstances, there is nothing to suggest that the genocide will not continue until the annihilation of the Rohingya is total and the reorganisation of Myanmar society complete;
- the near obliteration of Rohingya communities in northern Rakhine state means Rohingya have no place to return to and risk being indefinitely subject to a slow death via systematic weakening in prison camps; and
- the 120,000-140,000 Rohingya who remain languishing in Sittwe's detention camps, prison villages and Aung Myingalar ghetto since the 2012 violence reflects an ominous precedent which must not be replicated.

The Myanmar state continues to persecute Rohingya leaders inside Bangladesh. ISCI contacts in the camps have reported learning of charges of alleged membership of ARSA being brought against them in absentia.

As this report has shown, the Myanmar Rohingya have now suffered the final stages of a slow, carefully orchestrated and brutal genocide. Paradoxically, however, despite its denouement, the genocide continues, as the Myanmar state, without reproach from the international community, takes action to ensure that every last vestige of Rohingya identity is removed from the annals of the country's history.

This report ends with the voice of a Rohingya woman, Zura Begum:

I left my village because the Myanmar army killed my husband by gunshot and my son by knife. Rakhine civilians came to my village and asked us to leave, "this is not your country", they said. After declaring these things, the army and Rakhine started unbearable persecution on us. They stopped us going to the pond if we tried to go, they would rip the clothes off us women and rape us.

The military found me when I was on my way [to Bangladesh]. They stopped the group I was travelling with and asked why we were leaving. I responded, "every day you tell us we don't belong here, tell us to leave, I lost my husband and my son, so I'm going somewhere where I can be a Rohingya". If [Myanmar] accepts us as Rohingya, and everyone is going back, I will go back. But if not, I will not, as they will oppress us even more than before.²⁸¹

²⁸¹ Interview with Zura Begum, Balukhali camp, 2 November 2017.



Zura Begum fled the military assault on her village of Zay Di Taung, Buthidaung township, in late August 2017. During the violence, soldiers stabbed to death her 10-year-old son Emam, and shot dead her husband. After over a month of gruelling travelling across mountains with her five remaining children, she managed to reach Bangladesh. Despite everything she has suffered, she remains defiant:

'I was born from a Rohingya woman a Rohingya family. I am Rohingya, so why would I take the NVC, even if they try to force me? We don't need to stay here [in Bangladesh]. We can go back. We just need to be accepted as Rohingya.'

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Surviving in a Bangladesh camp, surrounded by danger

APPENDIX I: ISCI CORRESPONDENCE WITH UK GOVERNMENT 2014-2016

The Rt Hon David Cameron, MP, Prime Minister
10 Downing Street
London
SW1A 2AA

16th April 2014

Dear Mr Cameron

The Path to Genocide in Rakhine State, Burma/Myanmar

We are writing to you to express our concern that a genocidal 'tipping point' has now been reached in Myanmar. On 13th January 2014 MP Hugo Swire, in response to a parliamentary question about ethnic cleansing and the Rohingya declared, "Further independent investigative work to fully establish the facts would be required for an informed assessment as to whether ethnic cleansing and crimes against humanity have been committed." Recent developments including deadly arson attacks, periodic massacres, destruction of mosques, and at least 900 deaths of Rohingya fleeing by boat since June 2012, constitute a process that we, as state crime scholars, interpret as 'pre-genocidal'. Our analysis strongly indicates that several pre-cursors to genocide have already been met. State practice surrounding escalating violence against the Rohingya reflects that observed in Rwanda, Germany and Bosnia in the periods preceding genocide.

The following developments in Myanmar are of grave concern:

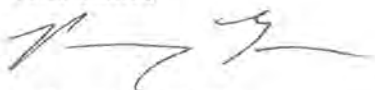
- Recently leaked official documents expose secret government orders to imposing extensive discriminatory and abusive restrictions on the basic freedoms of Rohingya.
- In January and March 2014, new waves of deadly, state-sponsored violence were perpetrated against the Rohingya in Maungdaw and Sittwe (Rakhine's state capital) respectively.
- In January 2014 the government withdrew staff and medicine from the only state-run hospital in the Rohingya Thae Chaung refugee camp near Sittwe.
- On 26 February 2014 President Thein Sein announced his support for a Bill to restrict interfaith marriage between Muslim men and Buddhist women.
- On 26 February 2014 the government expelled the medical aid NGO Médecins Sans Frontières effectively removing all available emergency and health care services for over 1 million Rohingya in northern Rakhine State.
- On 27 March 2014 Rakhine nationalists attacked foreign aid groups providing assistance to Rohingya communities.

- Muslims have been prohibited from registering as 'Rohingya' in the country's April census, the first to be held in three decades.

It is clear from the above that there is a very real possibility that the Myanmar state is currently engaging in practices that could lead to genocide. Our research and analysis suggests that recent state and state-sponsored policy and practice, evidenced between January and March 2014, represents a genocidal tipping point for Myanmar's Rohingya ethnic minority.

In the circumstances we call on the government to publically condemn Myanmar's persecution of the Rohingya and Kaman Muslim minority and to intervene to prevent full scale genocide.

Yours sincerely



Professor Penny Green
Head of Research
The Dickson Poon School of Law
International State Crime Initiative (ISCI)
Somerset House East Wing
King's College London
Strand, London WC2R 2LS

cc:

The Rt Hon William Hague FRSL MP
The Rt Hon Hugo Swire MP



Foreign &
Commonwealth
Office

ASEAN Department
King Charles Street
London SW1A 2AH

3 June 2014

Professor Penny Green
The Dickson Poon School of Law
Somerset House East Wing
King's College London
Strand, London WC2R 2LS

Dear Professor Green,

Thank you for your letter to the Prime Minister about the situation in Rakhine State, Burma. I am responding as the desk officer responsible for correspondence on Burma at the Foreign and Commonwealth Office.

We share your grave concerns about the situation in Rakhine State. The UK is one of the most vocal in the international community in raising the plight of the Rohingya. The issue was top of the agenda for the Prime Minister's meeting with President Thein Sein when he visited London in July 2013. Minister for Asia Hugo Swire visited Burma in January 2014 and spoke to leaders from the Rohingya and Rakhine Buddhist communities. He raised our serious concerns with senior Burmese ministers, and set them out in a speech in Rangoon (a copy of which I enclose). We have made consistently clear to the Burmese government, through public statements and in private, that serious allegations of violence and human rights abuses, whether in Rakhine or elsewhere, must be dealt with through a clear and transparent investigative and prosecutorial process that meets international standards.

The humanitarian situation is a serious concern. A total of 140,000, mainly Rohingya, remain displaced from their homes even though 18 months have passed since the violence of 2012. The UK has now given £12m in humanitarian aid to Rakhine State. We are also funding £4.5m towards livelihoods projects in Rakhine and support to the UN's coordination of the international humanitarian response.

Mr Swire summoned the Burmese Ambassador following the violence against the offices of international NGOs and humanitarian aid organisations in March. He called on the Burmese government urgently to restore humanitarian access to all communities in need, and to ensure the security of humanitarian aid workers and all communities in Rakhine State. The British Ambassador routinely raises the situation in Rakhine State in his engagement with the Burmese government and last visited Rakhine in March to discuss the situation with community leaders.

We will continue to urge the Burmese government to take swift and decisive action to protect the lives and rights of Rohingya and other minorities in Rakhine State, and to address the underlying causes of ethnic and religious discrimination and violence. We are urging action to: address impunity and ensure equitable access to justice; promote coexistence and tolerance; create an environment for displaced people to return to their homes; ensure humanitarian access; and enable a path to citizenship for eligible Rohingya residents of Rakhine State. The Burmese government must continue to provide security for all communities in Rakhine State and create a situation whereby international assistance can be provided.

We continue to believe that further independent investigative work to fully establish the facts and substantiate the evidence, supported by appropriate technical assistance and in line with international standards, would be required for an informed assessment as to whether crimes against humanity or genocide have been committed.

Human rights will remain at the heart of the UK's policy in Burma. We will remain a vocal advocate for change and continue to press for action to resolve what are issues of serious concern.

If you require any further information, please consult www.gov.uk/world/burma, follow us on www.facebook.com/fcoburma or Twitter: [@UKinBurma](https://twitter.com/UKinBurma)

Yours sincerely

Jane Huxley-Khng
ASEAN Department
Foreign and Commonwealth Office

Boris Johnson MP
Secretary of State for Foreign and Commonwealth Affairs
House of Commons
London SW1A 0AA

November 2, 2016

Dear Mr Johnson

I am writing to you as the new Secretary of State for Foreign and Commonwealth Affairs to express our grave concern for the deteriorating condition of Myanmar's Rohingya Muslim ethnic minority and to remind you of the UK Government's obligation to act.

In October 2015 my research team at the International State Crime Initiative, Queen Mary University of London published *Countdown to Annihilation: Genocide in Myanmar*.

<http://statecrime.org/data/2015/10/ISCI-Rohingya-Report-PUBLISHED-VERSION.pdf>

Our widely cited findings demonstrated that in 2015 the institutional stigmatisation, discrimination, physical harassment, isolation and systematic weakening (through deprivation of food, livelihood and health care) placed the Rohingya at the genocidal stage prior to mass annihilation.

Conditions for the Rohingya throughout Rakhine State have continued to deteriorate since the publication of our report but events since October 9, 2016 in Northern Rakhine State (NRS) (when nine police officers were reportedly killed at three border posts) have led to what we fear may be a new and deadly phase in the genocidal process. Credible sources on the ground in NRS, where the majority of Myanmar's Rohingya population live, report new waves of state terror in the region including extra judicial killings, mass rapes, security raids and arson attacks on Rohingya homes, the looting of Rohingya businesses, curfews, additional restrictions on movement, and access to food and healthcare. NRS is a notoriously isolated and militarized region.

The NLD government led by Aung San Suu Kyi, like the military dictatorship which preceded it, refuses the international community access to the NRS. In the absence of international witnesses the Myanmar military and security forces appear to be committing state crimes against the Rohingya with absolute impunity. These atrocities are happening under Aung San Suu Kyi's watch.

The Convention on the Prevention and Punishment of the Crime of Genocide (1948) was drafted with the objective of 'prevention' very much in mind: "The Contracting Parties confirm that genocide ... is a crime under international law which they undertake to prevent and to punish" (Article I; and see General Assembly's instructions to the drafting Committees in United Nations: UNGA Resolution 96 (I), 11 November 1946). This duty to prevent was further clarified by the International Court of Justice in *Bosnia and Herzegovina vs. Serbia and Montenegro*. Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime

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of Genocide (26 February 2007), which stated that a violation of the duty to prevent is the "mere failure to adopt and implement suitable measures to prevent genocide from being committed" (para. 432). The Court concluded that the Convention imposes such obligations on "any State party which, in a given situation, has it in its power to contribute to restraining in any degree the commission of genocide" (para. 461); the UK Government's relationship with the Myanmar Government puts it in a place of some influence. The Court stated further that "[a] State's obligation to prevent, and the corresponding duty to act arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed" (para. 431).

We are confident that a Court could interpret our October 2015 report as putting you and the UK Government on notice of a 'serious risk' of Genocide. And while we agree that the Rakhine Commission is to be welcomed, as you stated in your recent meeting with Aung San Suu Kyi (12 September 2016), support of the Commission's Mandate would in no way discharge the UK Government's international legal obligations to prevent Genocide.

We urge the UK Government to:

1. publicly condemn Myanmar's persecution of the Rohingya;
2. place pressure on the NLD to open international access to NRS;
3. place pressure on the Government of Myanmar to end the impunity protecting the Myanmar military and security forces for their crimes against the Rohingya;
4. intervene to prevent the final stages of genocide as per the UK Government's obligation under the Genocide Treaty.

Yours Sincerely,

Penny Green
Professor of Law and Globalisation
School of Law
Queen Mary University of London
Mile End Road
London E1 4NS

Cc:

The Rt Hon Jeremy Corbyn MP
The Rt Hon Emily Thornberry MP (Shadow Secretary of State for Foreign and
Commonwealth Affairs)
The Rt Hon Alok Sharma MP
The Baroness Kinnock of Holyhead
Mr Tom Crofts, Head, Whitehall Burma Unit, FCO

18 December 2016

Our reference: MIN/104402/2016

Penny Green
Professor of Law and Globalisation
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Queen Mary University of London
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E1 4NS



Foreign &
Commonwealth
Office

King Charles Street
London SW1A 2AH

Dear Professor Green,

Thank you for your letter of 2 November to the Foreign Secretary about Burma. I am replying as the Minister for Asia and the Pacific.

The British Government remains deeply concerned by the situation in Rakhine and the discrimination against the Muslim minority Rohingya community. The Rohingya are denied fundamental rights including restrictions on their freedom of movement, significantly restricting their access to livelihoods, schools, healthcare and places of worship.

We are aware of a number of specific recent reports alleging that human rights violations have taken place against the Rohingya in Burma in the security response to an attack against the police and border guards on 9 October. Since then, media, humanitarian and diplomatic access to North Rakhine has been substantially limited by security forces.

Although the lack of access makes facts difficult to verify we, like you, are deeply concerned about those reports. Any judgment on whether crimes such as war crimes, crimes against humanity or genocide have been committed is a matter for competent national or international courts.

In response to the most recent crisis, Ministers and our Ambassador have called on both civilian and military ministers in the Government to urge: (a) a restrained response in line with international human rights standards, (b) immediate and unfettered access for humanitarian aid and (c) an impartial and independent

investigation into allegations of human rights violations. Minister of State for Foreign and Commonwealth Affairs, Baroness Anelay, delivered these messages when she visited Burma from 9-12 November, including with the Minister of Defence. The UK also discussed the issue at the UN Security Council on 17 November, where we raised our concerns about the lack of humanitarian access.

The Government of Burma has now committed to conducting an independent investigation into allegations of human rights abuses. We also note the creation of the Rakhine Investigation Commission and hope it will demonstrate its commitment to an impartial investigation over the coming weeks.

The Government has also given a further commitment to restore humanitarian access to northern Rakhine State. We urge the authorities on the ground to implement the humanitarian access the Government has agreed with donors. We believe our efforts are best focused on monitoring implementation of these commitments and continuing to press if they do not move forward.

Kind regards,



Alok Sharma MP
Minister for Asia and the Pacific

COMMUNICATIONS AND DOCUMENTS TO BE DESTROYED BY THE SECRETARY OF DEFENCE
IN ACCORDANCE WITH THE PROVISIONS OF THE DEFENCE ACT 1984 AND THE
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