

# ALTSEAN BURMA

ALTERNATIVE ASEAN NETWORK ON BURMA  
campaigns, advocacy & capacity-building for human rights & democracy

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## ROHINGYA AND MUSLIMS IN ARAKAN STATE: SLOW-BURNING GENOCIDE

- The experiences of more than 1 million Rohingya and Muslims from Burma are often overlooked in global media coverage, whether in Burma or in exile in Bangladesh, Malaysia and elsewhere.
- Rohingya are denied citizenship at home and protection in countries of asylum: many have been forced to leave and denied resettlement, others forcibly deported to situations of danger.
- Rohingya in exile present a humanitarian and political headache for neighbors – as many as 250,000 in Bangladesh and 25,000 in Malaysia.
- Those remaining in Burma face human rights abuses on a scale that is disparate when compared with those experienced by the rest of the population.
- In 1992 the UN General Assembly recognized the disproportionate suffering the community had experienced under the military regime in Resolution 47/144.
- Since 1992, the *“torture and arbitrary execution, continued detention of a large number of persons for political reasons, the existence of important restrictions on the exercise of fundamental freedoms and the imposition of oppressive measures”* that so concerned the UN have continued, forcing new movements of people, and waves of refugees that place a burden on the limited resources of Bangladesh and other neighbors.
- The campaign of displacement, denial of culture and identity, restrictions on the right to marry and form a family, killings, rape, torture and denial of food are a slow-burning genocide - *“deliberately inflict[ing] on the group [Rohingya and Arakan Muslims] conditions of life calculated to bring about its physical destruction in whole or in part”*.<sup>1</sup>

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<sup>1</sup> OHCHR (09 Dec 1948) Convention on the Prevention and Punishment of the Crime of Genocide, Article 3b

## Denial of citizenship

*"In actual fact, although there are (135) national races living in Myanmar today, the so-called Rohingya people is not one of them. Historically, there has never been a 'Rohingya' race in Myanmar. The very name Rohingya is a creation of a group of insurgents in the Rakhine State. Since the First Anglo-Myanmar War in 1824, people of Muslim Faith from the adjacent country illegally entered Myanmar Ngain-Ngan, particularly Rakhine State. Being illegal immigrants they do not hold immigration papers like other nationals of the country."*

- Ministry of Foreign Affairs of the Union of Myanmar <sup>2</sup>

The origins of the Rohingya's place in Burma is in dispute – some say that Rohingya have always lived in Northern Arakan State and converted to Islam in the 12<sup>th</sup> century; others say that Rohingya began migrating to Burma during the British Colonial era. The reality is probably a mix of the two – Muslim traders who settled on the coast over the centuries who, along with larger influx of Muslims from the Chittagong area of Bangladesh in later centuries, developing a unique language, cultural practices and a sense of common identity.<sup>3</sup> Under the junta's 1982 citizenship law, more than one million Rohingya have been denied citizenship by the SPDC in Burma, with the authorities classifying them as "Bengali Muslims", effectively leaving them stateless.<sup>4</sup> Some argue that the law, replacing the 1948 Act, was written with the specific intention of removing any Rohingya claim on citizenship that the previous law allowed.<sup>5</sup>

Many Rohingya and Arakan Muslims have fled the oppression of the regime, in particular seeking refuge in Bangladesh and Malaysia. However, Rohingya and Arakan Muslim refugees from Burma have been denied refugee status in both countries (neither are signatories to the Refugee Convention). They have been classified as "illegal" economic migrants, and denial of their rights has continued.

Throughout the 1990s the **Bangladesh** authorities repatriated 236,000 of the 250,000 that fled to Bangladesh between November 1991 to June 1992 back to Burma throughout the 1990s, and by 2002 there were only 20,000 remaining in camps.<sup>6</sup> The UNHCR scheduled a program for absolute withdrawal from management of Rohingya and Arakan Muslim asylum seekers in Bangladesh - subsequent repatriations have been accompanied by accusations of coercion and violence aimed at Bangladesh authorities and the UNHCR, and occurred whilst Rohingya and Arakan Muslims continue to flee persecution in Burma back to Bangladesh.<sup>7</sup>

However, many of those repatriated to Burma have returned to Bangladesh. New arrivals and returnees now number 200,000 living outside of camps, not permitted to access camps or to receive the protection of the UNHCR.<sup>8</sup> Rohingya and Arakan Muslims, including children, are jailed in Bangladesh for violations of migration and employment law, and often remain in jail beyond the length of their sentences – some as long as 12 years – waiting the authorities negotiation of prisoner exchanges with the SPDC.<sup>9</sup>

Rohingya and Arakan Muslims in **Malaysia** also experience difficult circumstances and living conditions. While a repatriation program does not exist, many genuine refugees, including some with UNHCR papers, have been deported (usually to Thailand) for migration law violations. The UNHCR office was closed to new registration in 2005, with the UNHCR promising to process the backlog of registration and deliver outcomes to those that have been waiting in limbo for the longest time. Over

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<sup>2</sup> Ministry of Foreign Affairs of the Union of Myanmar (26 Feb 92) Press Release as cited in Amnesty International (19 May 04) The Rohingya Minority: Fundamental Rights Denied

<sup>3</sup> Amnesty International (19 May 04) The Rohingya Minority: Fundamental Rights Denied

<sup>4</sup> Advisory Board on Human Security (Feb 05) Denial of Citizenship: a Challenge to Human Security

<sup>5</sup> Amnesty International (19 May 04) The Rohingya Minority: Fundamental Rights Denied

<sup>6</sup> Mizzima (19 Jul 06) British MP urges Bangladesh to improve Rohingya conditions

<sup>7</sup> Kaladan (06 Jan 04) A New Method set up for forced repatriation of Refugee in Bangladesh Camp; AFP (18 Sept 03) Bangladesh forcing out Myanmar refugees; MSF & AFP (18 Sept 03) Bangladesh denies forcing out Myanmar refugees; Kaladan (25 May 06) More Rohingya families cross into Bangladesh

<sup>8</sup> Lewa, Chris. The Refugee Situation on the Western Borders of Burma. Forum Asia at the Canadian Friends of Burma Public Conference, 9 Oct 03

<sup>9</sup> Kaladan (31 Jan 04) Forgotten People: Burmese Rohingyas' Uncertain Destiny In Bangladesh Prison

12,000 Rohingya have now been issued temporary protection since then, which finally gives protection from arrest and deportation.<sup>10</sup>

Many Rohingya and Arakan Muslims in Malaysia complain that Chin in similar circumstances have been offered resettlement, and that the Resident Permits (which give access to employment, education and limited healthcare) promised in October 2004 have only been received by Acehnese from Indonesia. In the meantime, for those with no papers at all, raids by immigration authorities have led to injuries and even death. Communities still live in fear; reports of harassment, extortion and detention by authorities continue. Many arrive with huge debts to people smugglers and relatives that they are unable to pay.<sup>11</sup>

The border between **Thailand** and Malaysia is extremely porous, with many Rohingya and Arakan Muslims traveling between the two countries at huge costs and risks; on the basis of rumors of changes in policy and new opportunities for resettlement. Recent reports conclude that this movement of people is facilitated and controlled by a Thai-Malay network of immigration, police and people smugglers who extort and beat the asylum seekers. Those that are able to pay are smuggled back to Malaysia. Those that cannot often are trapped in horrific conditions in Thai brothels, rubber plantations, factories and fishing boats.<sup>12</sup>

77 Rohingya were stranded on an island in **Indonesia** in April 2006.<sup>13</sup> The group had been attempting to reach Malaysia by boat. Indonesian authorities had originally intended to send the group back into international waters, but became nervous of a diplomatic backlash from Malaysia.<sup>14</sup>

### **Restricted movement**

*“The sweeping restrictions on the movement of Rohingyas are disproportionate and discriminatory; they are imposed on all Rohingyas because they are Rohingyas, and not on members of other ethnic nationalities in Rakhine State. They are broad and indiscriminate in their application”*

- Amnesty International<sup>15</sup>

Not holding citizenship restricts the freedom of movement, even more so in Burma where identity cards function as an “internal passport” for travel from one village to another, to work, to conduct business and trade, and more. At first, Rohingya who were repatriated from Bangladesh were issued with “Returnee Identity Cards”, which have been replaced with white “Temporary Registration Cards”. Neither entitles holders to the entitlements of other citizens.<sup>16</sup>

Restriction on freedom of movement has effectively confined people to their villages. They are required to apply, state their reasons, and pay for a travel pass to visit as far as neighboring villages.<sup>17</sup> To travel further requires more money and more lengthy application processes.<sup>18</sup>

Rohingya are required to keep the essential “family list”. If a family member is not present during random population check by local SPDC authorities, they can be deleted from the list or fined.<sup>19</sup>

### **Extortion and arbitrary taxation**

While extortion and arbitrary taxation is rife in Burma, the experience for Rohingya and Muslims is particularly difficult.

Taxes and bribes such as paddy taxes,<sup>20</sup> sales and trade licenses, fees for the observance of cultural and religious festivals and ceremonies, fees for the participation in sporting activities, extortion for

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<sup>10</sup> Chris Lewa (09 Aug 06) Report to the CCSDPT Open Session

<sup>11</sup> US Committee for Refugees (2006) World Refugee Survey Country Report - Malaysia

<sup>12</sup> Kaowao (20 Jul 06) Mafia network of Thai and Malay target illegal workers

<sup>13</sup> AFP (05 May 06) Indonesia to deport stranded Myanmar Muslims

<sup>14</sup> AFP (27 Apr 06) Myanmar migrants stranded in Indonesia refuse to return home

<sup>15</sup> Amnesty International (19 May 04) The Rohingya Minority: Fundamental Rights Denied

<sup>16</sup> Amnesty International (19 May 04) The Rohingya Minority: Fundamental Rights Denied

<sup>17</sup> Advisory Board on Human Security (Feb 05) Denial of Citizenship: a Challenge to Human Security

<sup>18</sup> Amnesty International (19 May 04) The Rohingya Minority: Fundamental Rights Denied

<sup>19</sup> Amnesty International (19 May 04) The Rohingya Minority: Fundamental Rights Denied

corporate and military infrastructure, are particularly prevalent and more diligently extracted in Arakan State, in particular in border area's controlled by the NaSaKa border authorities.<sup>21</sup> Those not able or willing to pay bribes face arrest and imprisonment.<sup>22</sup> Arbitrary arrest is often employed to extract bribes from Rohingya and Muslims.

Additional extortions unique to the experience of Rohingya and Muslims relate to fees for travel and forming a family.<sup>23</sup>

## **Access to employment**

Requirements to pay and apply for travel permits seriously limits ability to trade or seek employment outside a person's village.<sup>24</sup> Not holding citizenship excludes Rohingya from public service positions. Arbitrary extortion, taxes, and seizures of land and property stifle entrepreneurship and overwhelm small businesses. Forced labor takes people away from their regular employment, destroying business, and ruining crops when harvests are impacted.

## **Forced labor**

When the ILO reported in March 2003 that forced labor in large infrastructure projects had decreased in Burma, they noted that it continued with no change in Northern Arakan State.<sup>25</sup> Most work involves the maintenance, security, building and supply of military camps and infrastructure projects linked to state-enterprise projects and their international partners. Because it is possible to pay a bribe to authorities for exemption, those most affected are those most at need of earning a regular income.

## **Confiscation of land and property**

Land is confiscated by NaSaKa and much of formerly arable land has reverted to jungle. There are also settlement programs moving non-Rohingya onto lands confiscated from Rohingya into "model villages" for retired SPDC officers and their families (built with the forced labor of Rohingya).<sup>26</sup> Forced laborers and their communities are often required to supply projects with materials.<sup>27</sup> The growing presence of NaSaKa since its formation in 1992 has increased the level of confiscations – whether for military camps or for unique projects such as the leasing back to the original owners. In 2002 they began to implement land use policies – by expelling families living "residentially" on areas previously allocated as agricultural.<sup>28</sup>

## **Food Security**

Burma's historical importance as a producer of rice is well known. While this importance has faded, the country still manages to produce a net surplus of rice.<sup>29</sup> Despite this, those living in Northern Arakan state are hungry, with 60% experiencing malnutrition because the regime confiscates, forcibly sells or prevents from being traded, rice and other essential commodities.<sup>30</sup>

Villagers are obliged to provide food to supply to military troops with food supplies.<sup>31</sup> Additionally, forced labor takes villagers away from taking care of their crops, and harvest periods are compromised.

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<sup>20</sup> Applied based on land surface quotas rather than yields – this is the most debilitating of the taxes. It was removed in April 2003 but those affected claim that it was replaced by local authorities increasing old and fabrication new taxes

<sup>21</sup> Lewa, Chris. The Refugee Situation on the Western Borders of Burma. Forum Asia at the Canadian Friends of Burma Public Conference, 9 Oct 03; Kaladan (04 Jun 06) Sarapa on extortion spree from Arakan village

<sup>22</sup> Kaladan (11 Sept 03) Policemen together with Immigration Arrested 120 Men and Extortion; Kaladan News (11 Aug 03) Five Muslims Arrested in Myawaddi Town

<sup>23</sup> Advisory Board on Human Security (Feb 05) Denial of Citizenship: a Challenge to Human Security

<sup>24</sup> Amnesty International (19 May 04) The Rohingya Minority: Fundamental Rights Denied

<sup>25</sup> Amnesty International (19 May 04) The Rohingya Minority: Fundamental Rights Denied

<sup>26</sup> Kaladan News (31 Dec 05) Eighty new Buddhist Families Brought into Northern Arakan; Kaladan Press (15 Jul 03) Burma-Bangladesh border alert

<sup>27</sup> Amnesty International (19 May 04) The Rohingya Minority: Fundamental Rights Denied

<sup>28</sup> Amnesty International (19 May 04) The Rohingya Minority: Fundamental Rights Denied

<sup>29</sup> Irrawaddy (05 Aug 05) UN warns of humanitarian crisis in Burma

<sup>30</sup> DVB (17 Aug 05) Burmese farmers arrested and their farms seized

<sup>31</sup> Kaladan (25 May 06) Villagers forced to supply chickens to Navy

## **Withholding humanitarian aid**

Controls on the delivery of humanitarian aid allow the regime to dictate to agencies where their assistance is provided. The World Food Program has complained of restrictions to delivery of food aid had left Rohingya communities starving and prevented more than 90% of food and rice aid from being delivered through of permit requirements, checkpoints, local taxes and other restrictions.<sup>32</sup>

## **Limitations on access to education**

The official literacy rate in Burma is given by the SPDC at nearly 90%.<sup>33</sup> While this is unlikely to be accurate, the fact that literacy rates in Rohingya refugee camps in Bangladesh has been measured at 12% indicates that Rohingya experience particular barriers to accessing basic education.<sup>34</sup>

Most Rohingya children do not speak the Burmese language in which public education is taught.<sup>35</sup> Most village tracts have one primary school (initial 4 years), but in remote areas monsoonal rains prevent children from attending even this basic level. Rohingya, not holding citizenship, cannot be employed as teachers. There are considerable gaps in the number and quality of teachers available. Additionally, extreme poverty means that many children need to work to support their families.<sup>36</sup>

Further schooling is more difficult to access outside of bigger towns. Rohingya are simply excluded from studying at university. Sittwe has the only university in the state, and a travel ban has been enforced on all Rohingya since February 2001. Distance education at university level is theoretically possible but students face many challenges in obtaining permission to pass their exams.<sup>37</sup>

## **Persecution of political and community leaders**

Leaders in exile are deeply divided on the solutions to the current situation. Rohingya and other non-Rakhine organizations are excluded from membership of the umbrella organization the Arakan National Council.<sup>38</sup>

The actions and policy of the SPDC in Arakan State have successfully divided two oppressed communities against each other. Tensions between ethnic Rakhine and Rohingya run high.<sup>39</sup> Religious riots occur sporadically between Buddhist and Muslim, Rohingya and Rakhine groups, with reports often blaming authorities for stirring up community unrest.<sup>40</sup>

One of the issues dividing communities in Burma is the Rohingya claim to status as a distinct ethnic group – ethnic in Burma implying a claim to indigenous status, as opposed to having distinct cultural, racial or language characteristics. Other Muslims in Burma, probably around 6 million in number, also experience discrimination and persecution, especially those living in Arakan State. Some Rohingya avoid identifying themselves as such, aware of the political and personal ramifications of the label.

Rohingya were permitted to vote and stand as candidates in the 1990 elections. The Rohingya supported party, the National Democratic Party for Human Rights (NDPHR), won four seats. The Rohingya candidate in Sittwe was arrested and put in jail during the elections. The party was deregistered in March 1992.<sup>41</sup>

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<sup>32</sup> Reuters (05 Aug 05) Myanmar to lift food aid tax, barriers remain-WFP

<sup>33</sup> UNDP (2005) Human Development Report

<sup>34</sup> Refugees International (20 Jul 06) The Rohingya: Discrimination in Burma and Denial of Rights in Bangladesh

<sup>35</sup> FBR (Jun 06) Report of Arakan FBR Relief Team Mission Trip to Arakan IDP Area

<sup>36</sup> Forum Asia (Nov 03) Submission to the Committee on the Rights of the Child

<sup>37</sup> Forum Asia (Nov 03) Submission to the Committee on the Rights of the Child

<sup>38</sup> 305 Kaladan (16 Mar 04) Rohingyas' concern over "ANC"

<sup>39</sup> Irrawaddy (Jun 06) The Rohingya Riddle

<sup>40</sup> Narinjara News (25 Jan 05) Religious riot in Arakan State

<sup>41</sup> Amnesty International (19 May 04) The Rohingya Minority: Fundamental Rights Denied

## **Dr Kyaw Min, MP Buthidaung Constituency Arakan State, NDPHR**

60 year old Dr Kyaw Min was arrested at his home by special agents on the night of 17 March 2005 and detained at Insein jail.<sup>42</sup> He was sentenced on 19 July to 47 years in prison under Political Act – 5J.<sup>43</sup>

His wife, two adult daughters and youngest son were arrested on 5 May and handed sentences of 17 years and fined 50,000 kyat each and detained separately.<sup>44</sup> The oldest son and other relatives went into hiding following warrants being issued.<sup>45</sup> Kyaw Min's sister in law was arrested in November of 2005 and sentenced to six months in prison for 'overstepping the boundary'.<sup>46</sup>

Lawyers and friends were not permitted to visit in the initial period of interrogations.<sup>47</sup> By October 2005, Kyaw Min and his wife were reported to have become seriously ill from a poor diet not complying with their religious obligations, and tensions from worrying about their children.<sup>48</sup>

Authorities have issued orders banning the sale of his properties and appeals against the courts findings have so far been unsuccessful.<sup>49</sup> According to family sources, the long sentences were imposed following Kyaw Min's refusal to quit the Committee Representing People's Parliament (CRPP).<sup>50</sup>

## **Torture**

Successive military campaigns since the 1970s have included widespread reports of killings of civilians, rape and torture.<sup>51</sup> Arbitrary arrest is used to extract bribes, particularly through arresting and accusing Rohingya in border areas.<sup>52</sup>

## **Religious and cultural freedoms**

Muslims, including Rohingya, living in Northern Arakan State are forced to pay "fees" to conduct Eid-ul-Adha and Eid-ul-Fitr. Traditions such as praying in open prayer grounds are restricted. Friday sermons are restricted. Times of pilgrimage coincide with further tightening of restrictions and the extraction of maximum bribes.<sup>53</sup>

SPDC military campaigns have included the destruction of mosques and madrassa.<sup>54</sup>

<sup>42</sup> Reuters (18 Mar 05) Myanmar junta arrests two politicians; DVB (18 Mar 05) Another Burmese MP detained while U Kyaw San staging hunger strike

<sup>43</sup> Political Act 5J: "to affect the morality or conduct of the public or a group of people in a way that would undermine the security of the Union or the restoration of law and order" – Burma Lawyers' Council Unofficial Translation SPDC (9<sup>th</sup> March 1950) Burma Act 17: Section 5 of the Emergency Provisions Act; and DVB (29 Jul 05) Burmese Arakan MP and family given lengthy prison terms; DVB (02 Aug 05) Burma Arakan MP Kyaw Min and family fined on top sentences

<sup>44</sup> DVB (18 Oct 05) Burmese prisoners Buthidaung MP and wife not well

<sup>45</sup> DVB (18 Oct 05) Burmese prisoners Buthidaung MP and wife not well

<sup>46</sup> DVB (24 Nov 05) Burmese MP Kyaw Min's sister in law sent to prison

<sup>47</sup> DVB (15 Oct 05) Noone is seeing detained CRPP member Kyaw Min

<sup>48</sup> DVB (18 Oct 05) Burmese prisoners Buthidaung MP and wife not well

<sup>49</sup> DVB (18 Oct 05) Burmese prisoners Buthidaung MP and wife not well

<sup>50</sup> DVB (02 Aug 05) Burma Arakan MP Kyaw Min and family fined on top of sentences

<sup>51</sup> Amnesty International (19 May 04) The Rohingya Minority: Fundamental Rights Denied

<sup>52</sup> Kaladan (13 May 06) NaSaKa jails nine Rohingyas

<sup>53</sup> Kaladan (25 Jan 05) Muslims complain of military extortion during religious festival in Arakan

<sup>54</sup> Amnesty International (19 May 04) The Rohingya Minority: Fundamental Rights Denied

## The right to marry and have a family

All households require a family list and any changes – births, deaths, marriages, address, even cattle acquisition and sales – must be reported and a fee paid. A birth or death can vary in its cost for between 1,000 to 8,000 kyat, must be declared within a week, and also vary in the local authority's arbitrary requirements - sometimes substituting a scarce item such as fuel to be paid in the place of the usual fee, or for the report of a birth to be delivered in person by the recovering mother.<sup>55</sup>

Rohingya living in Northern Arakan State are required to ask for permission to marry. Women are required to be at least 18 and the men 24.<sup>56</sup> Since 2003, the demanding of large amounts in bribes – between 50,000 and 300,000 kyat - for permission to marry has become universal. Marriages can be delayed for up to three years, and require several visits to NaSaKa camps. There is a huge backlog of couples waiting permission, and sometimes young couples travel to Bangladesh to try to get married at great risk of not being able to return to Burma.<sup>57</sup>

The regulations were further tightened in December 2005 requiring: 3 guardian signatories; the bridegroom and guardians to be cleanly shaven; a certificate of clean health; a recommendation letter from a religious organization and from the village chairman; the couple to commit to having no more than three children, one wife, and not to get divorced; the submission of the family list; and a declaration of the dowry. The fee was fixed at 3000 kyat but reports continue of the fee varying from place to place.<sup>58</sup>

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<sup>55</sup> Amnesty International (19 May 04) The Rohingya Minority: Fundamental Rights Denied

<sup>56</sup> Kaladan (17 Nov 05) Rohingya's to shave if they want to marry

<sup>57</sup> Amnesty International (19 May 04) The Rohingya Minority: Fundamental Rights Denied

<sup>58</sup> Kaladan News (05 Mar 06) New regulation for marriage permits in Arakan State