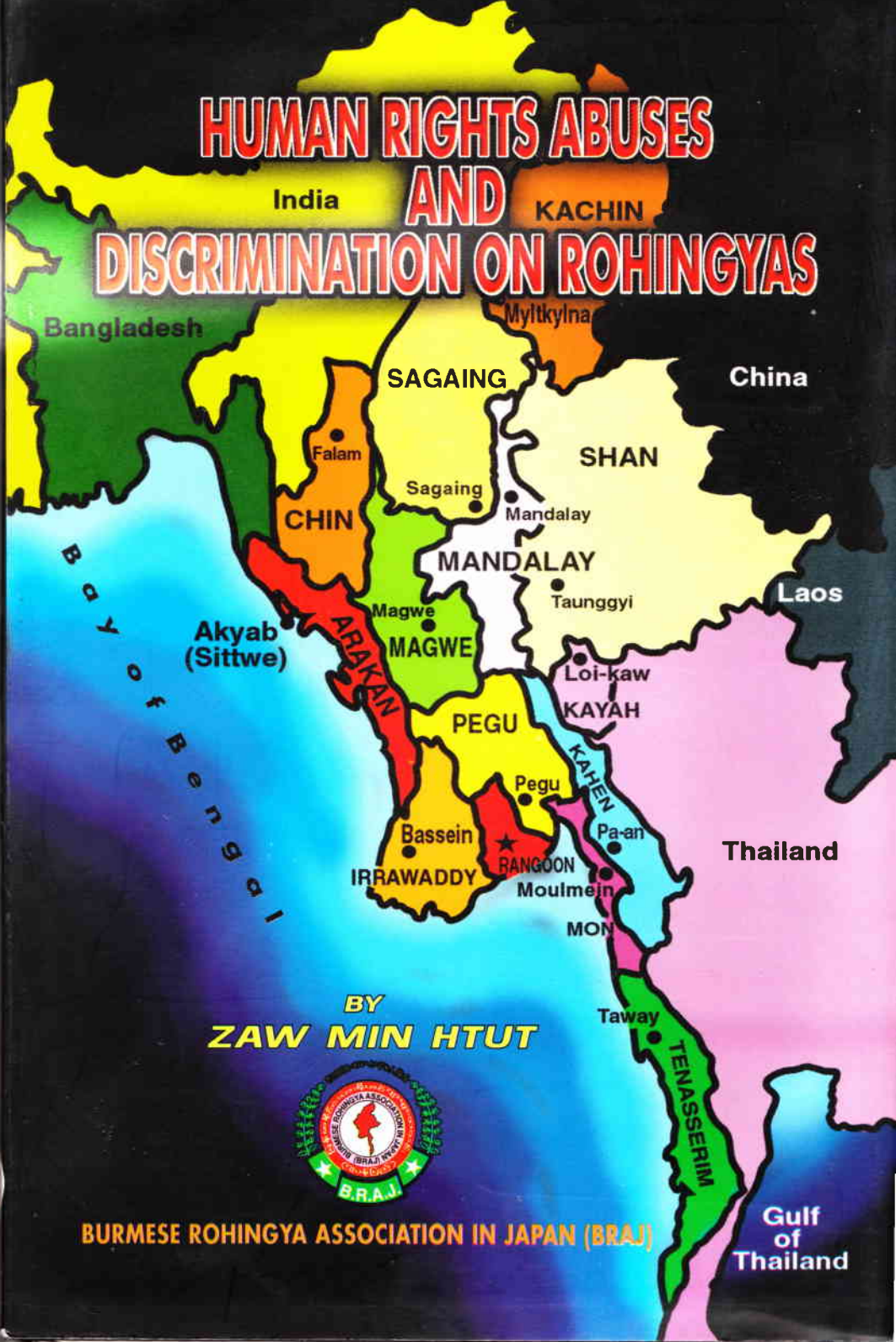


HUMAN RIGHTS ABUSES AND DISCRIMINATION ON ROHINGYAS



BY
ZAW MIN HTUT



BURMESE ROHINGYA ASSOCIATION IN JAPAN (BRAJ)

**Gulf
of
Thailand**

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**DEDICATED
TO
THE ROHINGYA PEOPLE OF BURMA**



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BURMA: ADMINISTRATIVE DIVISIONS



Source : Institute of Southeast Asian Studies



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Foreword

At the request of Zaw Min Htut, the President of **BURMESE ROHINGYA ASSOCIATION IN JAPAN (BRAJ)**, I agree to allow them to rewrite or translate part of my book, "Human Rights Violations in Arakan" in their new publication for which I take pride in writing their forwarding letter.

Rohingyas are the most unfortunate people on earth. They are victims of perpetual persecutions by the military regimes. Contrary to Burmese Laws and constitutions or international norms, these ill-fated people have been subjected to massive human rights violations because of their race and religion and culture. They are not equal before the law. There is no social justice for Rohingya. Even their basic human rights, i.e. the right to live with dignity and honour have been taken away.

But how could such a huge number of people suddenly enter into Arakan, so that the government of Burma could claim that they are not national of Burma. The Rohingyas have got a language, a culture and a heritage and above all the 3 million Rohingyas from a homogenous group. This is eyesore to the Ruling junta of Burma and this is the reason why they have been trying to expel the Rohingyas, men, women and children.

There is no freedom of movement for Rohingyas. They cannot travel from one place to another without permit. Their visit to Akyab and Rangoon is totally banned. They cannot marry freely without permission, which is expensive and abusive. They cannot renovate or repair their places of worship. There prevail no security of life and property of Rohingyas. Their nationality cards and family members lists were taken away. Some are



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given bogus white cards though the colour of the genuine citizenship card is red. Some of the Rohingyas are jailed under the pretext that they built houses on farmland, though they are living there for more than six decades.

Since the beginning of the 20th century Rohingyas have been oppressed, repressed and exterminated by the successive Burmese regime, the worst been by the SPDC, the present junta with iron hand and blood. However, they have been existing through thick and thin, keeping no stone unturned exploring all venues for a lasting solution to their long standing problem so as to live peacefully and honourably in their ancestral home land of Arakan, with all human dignity and rights. I appreciated BRAJ members for their movement and struggle for the restoration of democracy and human rights in Burma and the restoration of Rohingyas' basic rights.

A.F.K. Jilani

The Author of :

Human Rights Violation in Arakan

A Cultural History of Rohingya

The Rohingya of Arakan - Their Quest for Justice

The Lady of Destiny - Daw Aung San Suu Kyi



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Acknowledgement

Although my name appears on the cover of this book, it should be regarded as a collective product, compiled by me, but based on the works of Mr. A.F.K. Jilani, who was a candidate for Member of Parliament from National League for Democracy (NLD) party in 1990, Burmese General Election. I am very grateful to him for lending rare documents from his personal records of human rights violation in Arakan throughout his political career. My sincere thanks also go to all BRAJ members who gave me continuous encouragement, most precious advices and invaluable helps. My sincere thanks also go to Mr. Mohammed Ashraf Alam, Senior Researcher of Bangladesh Institute of Arakan Studies, who saw the potential of the original manuscript, press works and shape it to present stage.

I am indeed grateful to my teachers, my parents, my friends, my colleagues and other well-wishers.

Zaw Min Htut

Tokyo, Japan

September 5, 2003.

Preface

The Universal Declaration of Human Rights passed by the General Assembly of the United Nations on December 10, 1948, laid down a minimum standard of human rights based on the inherent dignity and the equal and inalienable rights of all members of the human family. It affirmed that all human beings ought to be treated as equal and as having a fundamental right to individual liberty.

The Nobel Peace Prize winner humanitarian aid organization, Medicines Sans frontiers (MSF), during its long time operation at the Rohingya Refugee Camps in Bangladesh and later visited Arakan State of Burma commented about Rohingya as "one of the ten world populations in danger of existence and survival." "The Human Rights Abuses and Discrimination on Rohingya" is compiled to highlight the deteriorating situation threatening the very existence of Rohingyas and daunting challenges upon them by the world cruellest and longest lasting brutal military dictatorships. The book deals with massive human rights violations including rape, slave labour, forced relocation, restriction on movement, forcible seizure of their land and property, arbitrarily arrest, torture, killing, denial of citizenship, compelling them to become stateless or refugee, restriction on freedom of religion and denial of all fundamental rights.

Although the Universal Declaration of Human Rights states that the movement of the individual should not be restricted by the government, freedom of movement is a far dream for Rohingyas in the Arakan State in Burma. Not a single Rohingya is allowed to travel from Arakan to the capital city, Rangoon, even in a case of life and death situation. Travelling is so restricted that one cannot go from one village to another with-

out a pass, which is not easily obtained. The Universal Declaration of Human Rights provides freedom of movement, which has been denied Rohingyas by the ruling military junta of Burma since 1962. The Rohingyas, though they are the sons of the soils of Arakan, have been branded as aliens.

The savagery of the junta forces in the province of Arakan has interfered quality of life for the Rohingyas. The Rohingya's source of earning has been destroyed and they are economically crippled as well as socially and culturally degenerated. They have been subjected to rape, murder and extortion. The Burmese junta has introduced a kind of slavery in Arakan, which include forced labour, torture, oppression, persecution for religious believes - Rohingyas are always been more than obedient and loyal to the government machinery. Unfortunately, their obsequiousness has not paid off.

The Universal Declaration of Human Rights by the United Nations proclaims that every individual and every organ of society should strive to promote the basic rights and freedoms to which all human beings regardless of race, nationality or religion are entitled. Burmese government founded on coercion rather than on the mandate of the people international action must be to protect and promote human rights in Burma where the junta denies the existence of basic human rights. An eminent development economist has observed that the best defence against famine is an accountable government. There is a clear connection between rights and the political unrest, which is mounting widely around the world.

Despite the 1948 convention on the prevention of the crime of genocide, but today genocide, mass rapes, and ethnic cleansing are taking place in front of the civilized world. In 1948, the United Nations General Assembly adopted the Declaration on the Right of People to peace, proclaimed that "The people of

our planet have a sacred right to peace."

Article five of the Universal Declaration of Human Rights states that "no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment," But in Arakan, Burma Rohingya's people breath is now at the mercy of the junta body empowered to do anything that they uttered in meeting and informal conversations. The view forced labour, rape, racial and religious persecutions of Rohingyas are nothing but mild enforcement of original elimination plan.

The rights of personal liberty requires that arrest and detention must conform to specific provisions of law and be subjected to rapid judicial control by procedure of habeas corpus or equivalent. In 1950, the sub-commission for the protection of minorities completed its draft of what was to become article 27 of the International Covenant of Civil and Political Rights. It said, "person belonging to ethnic, religious or linguistic minorities shall not be denied their rights of having own culture, practicing own religion." But today, unfortunately, Rohingyas are denied their Rights.

Human Rights are those rights everyone is entitled to enjoy by virtue of being human. Discrimination of all kinds is wrong. The rights proclaimed include those of "Life, liberty and security of person." Others are concerned with other personal, civil and political rights, such as those of freedom of thought, conscience and religion, freedom of opinion and expression and of peaceful assembly and association. Since these rights by themselves do not guarantee dignity and freedom, there are also economic, social and cultural rights to which all human beings are entitled. These include: the rights to work, to rest and leisure, to an adequate standard of living, to education and to take part in the government of his country.

The Nobel Peace Prize winner Daw Aung San Suu Kyi has

consistently maintained that, "We, in the National League for Democracy, believe that human rights are of universal relevance. But even those who do not believe in human rights must certainly agree that the rule of law is most important. Without the rule of law there can be no peace, not in a nation, a region, or throughout the world. In Burma at the moment there is no rule of law, which means there can be no peace or justice in this country."

George Orwell served in Burma as a British colonial police officer in 1920s. The observation that he made about the country and the government more than seventy years ago is still relevant. "In Burma," Orwell said, "the past belongs to those who control the present."

It would be a tragedy indeed if this hard-earned independence were merely in the substitution of a foreign oppressor with a domestic one, or as in George Orwell's *Animal farm*, the replacement of the two-legged animal by four-legged.

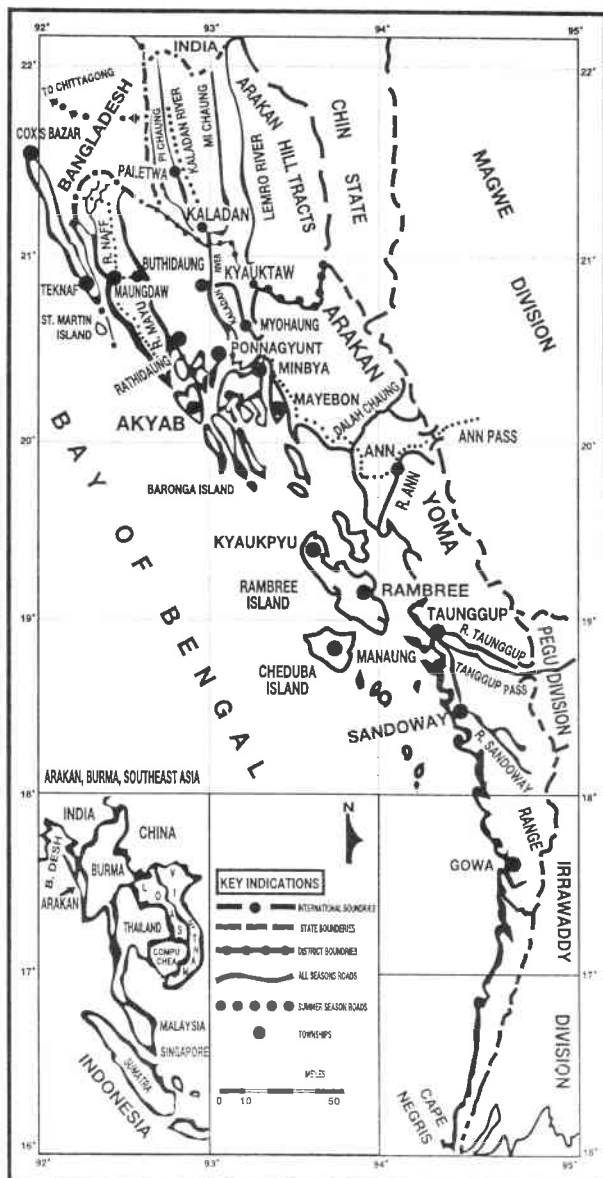
The people of Burma specially those of remote rural areas and belonging to ethnic races, human rights may not be fully understood. The military may think that their every day's torturous behaviour is the rights that the army is entitled to impose on public. Hence, it is a work for them to understand and enjoy Human Rights. It is just a preliminary study: it is felt that more intensive investigations have to be undertaken to get a total picture of the whole issue. I shall consider myself fortunate enough if this humble work would serve as a harbinger of truth in Arakan and serve the people to enjoy human rights fully.

Zaw Min Htut

Tokyo, Japan

September 5, 2003.

The map displays the Arakan region, bordered by India to the north and west, China to the north, and Bangladesh to the west. Key geographical features include the Arakan Hill Tracts, Kaladan River, and various islands like Teknaf, St. Martin, and Baronga. Administrative boundaries for Chin State, Magwe Division, Pegu Division, and Irrawaddy Division are shown. Major towns such as Paletwa, Kyauktaw, Myohaung, and Ponnagayunt are marked. The Bay of Bengal is to the south. A key indicates symbols for international, state, and district boundaries, roads, and towns. An inset map shows the location of Arakan within the broader Southeast Asian region.



PART -1

HUMAN RIGHTS ABUSES

AND

DISCRIMINATION ON ROHINGYAS

Introduction

The Rohingyas, whose settlements in Arakan dated back to 788 A.D.,¹ are an ethnic group developed from different stocks of people. They trace their ancestry to Arabs, Moors, Persian Turks, Mughals, Pathans, Bangalees, Rakhine, Chakmas, Dutch and Portuguese.² Arakan was an early kingdom of Bengal. The government and people were Bengalees. Mahating Chandra, the first king of Chandra dynasty, ascended the throne in 788 A.D. and founded the city of Wesali. The dynasty came to an end in 957 A.D. by a Mongolian invasion.³

Rohang/Roshang, the old name of Arakan, was very familiar with the Arab seafarers even during the pre-Islamic days. The descendants of the mixed marriage between the local people and Arabs founded the original nucleus of the Rohingyas in Arakan.⁴

In 1406 A.D. the Burmans invaded Arakan and occupied it. Naramekhla, the king of Arakan took shelter at Guar, the then capital city of Muslim Bengal and stayed for 24 years and studied Mathematics, Natural Science and Monotheistic Belief (Islam).⁵ In 1429 A.D. the King of Bengal, Jalaluddin Mohammed Shah, at the request of Naramekhla dispatched his military commander of Chittagong, Gen. Wali Khan, at the head of 50,000 Pathan forces to conquer Arakan and reinstate Naramekhla (Solaiman Shah) on the throne in Arakan.⁶

Wali Khan drove away the Burmans, but betrayed his trust and took control of the power. Wali Khan ruled Arakan for one year. Naramekhla went back to Sultan. The Sultan sent a second army of Pathan forces under Gen. Sandi Khan who overthrew Wali Khan and ultimately restored Naramekhla

(Solaiman Shah) to the throne in 1430 A.D.⁷ Most of the Pathan soldiers of Wali Khan and Sandi Khan never went back to Bengal. They were the ancestors of Rohingyas who settled in Arakans since 1430. Solaiman Shah deployed the Army of Sandi Khan throughout the borders of Arakan and the security guards of the palace.⁸

Narameikhla shifted his capital to a new site known as Mrauk-U or Pattahri Quilla in 1433. He introduced Persian as a state language. He decorated the courts like Guar and appointed Quazis (Muslim Judges). In this way Arakan became a Sultanate. Contact with a modern civilization resulted in a renaissance of Arakan. Arakan became a feudatory to Muslim Bengal from 1430 to 1530 A.D.⁹ The time Atlas of world history revealed that Arakan was an independent Muslim State in 14th and 15th century. In 1531, Zabuk Shah (Min Ba Gyi) ascended the throne. With him the Arakanese graduated in their Islamic studies and the Arakanese Empire was founded.¹⁰

After spending 24 years in Bengal, Narameikhla was restored to the throne by the Sultan of Bengal. Since he was dethroned from his palace in Laungrat earlier, he decided to build his capital at a strategically secured place.¹¹ As he might have felt that living among the Muslim community would be safer and wiser, he chose a large Muslim village inhabited by the descendants of Moorish Arabs rehabilitated by the King of Arakan, Mahataing Chandra (788-810) after ships wreck. The city was named Mrauk-U.¹²

From 1666 until 1710, the political rule of Arakan was completely in the hands of Kamans, units of Muslim archers servicing the Arakan King. They were the king makers of Arakan.¹³

Some writers say that the term Rohingya is derived from the

Arabic word "Raham" meaning sympathy. They say that it was during the reign of Mahataing Chandra (788-810 A.D.) many Arab ships were wrecked along the shores of Arakan and the ill-fated people bordered on them, begged for help by uttering Raham, Raham. Gradually it changed from Raham to Rohang meaning God blessed land and finally they were name Rohingyaas.¹⁴

The term Arakan is of Arabic or Persian origin having the same meaning in both these languages. It is a slight variation of the word Rukn.¹⁵ The name may be given by the early Arab traders or by the Arakanese kings while Persian was the official language of Arakan upto 1845.¹⁶

The Rector of Mandalay University, Dr. Than Tun wrote that, "The kings of Arakan had Muslim titles. If the Muslim kings mentioned in the inscription of 1442 C.E. were not the kings of Arakan, they might be the Rohingya kings from the Mayu Valley. The existence of Rohingya might be from the time of 1202 C.E. when the Muslim conquered Bengal. In the inscription, it was written that some Muslim kings of Arakan were the friends of the kings of Ava. They used to visit to Ava." ¹⁷

In 1795, Francis Buchanan (1762-1829) was attached as surgeon to captain Micheal Symes' Embassy to Ava, the capital of Burma. In his account "A comparative vocabulary of some of the languages, spoken in Burma Empire," about the language of Arakan Buchanan wrote. "the Muslims who have long settled in Arakan and who call themselves - Rooinga or native of Arakan ... the Muslims who settled in Arakan, called the country Rovingaw, the Persians call it Rekon." ¹⁸

There is a historic stone pillar of Vesali Chandra dynasty (788-957 C.E.) which now lies close to the Shittaung Phara pago-

da's entrance. Out of the 73 lines inscription of the northern side of the pillar, 69 lines were written in Proto-Bengali script. In the 42nd line, the name of Arakan (country) was written "Arakandesh".¹⁹

The Legendary Hanifa Tonki and Khayafuri Tonki (both are shrines) in the Mayu territory, the shrines of "Babagyi Shah Monayan of Ambari and Bader Mokkaam," situated on the coast of Bay of Bengal at Akyab, all bear evidence of the arrival of Muslim saints in Arakan in the early period of history.²⁰

Two stone plates inscribed with the word Allah in Arabic were founded at the cave of Theingri Htaung pagoda, which were now kept at the museum of Nanragon at Mrohaung. Another with Arabic script was first found in a wall at Nanragone. After the occupation of Arakan in 1784, the Burmese King Bodaw Paya might had constructed pagodas on the site of demolished mosques, with a view to change the face of Arakan and give it to Buddhist impression. That is why stone plates with Arabic or Persian inscriptions could be retrieved from inside the pagodas or monasteries till today.²¹ Even the Royal library was burnt to ashes by Bodaw destroying valuable Islamic relics, documents and writings.²²

The acts of Bodaw are repeating by the ruling military junta of Burma. The historical Sandi Khan Mosque (1433)²³, the Badar Mokkaam²⁴ and many other mosques of Arakan and Burma were destroyed by the junta, to change the face and history of Arakan and give it to that of a Buddhist appearance thereby rewriting it with imaginary and invented one. .

A few of Islamic historical monuments built during the time of Arakan kings still exist today. The Majja Mosque or Musa

Mosque situated on the hill near the present Maung Tha Gon village, two miles north-east of Mrohang was built in 14th century with big rocks together with a large lake; the Alam Lashkar Mosque was built in 1668 at Pan Mraung village of Minbya township together with twelve large lakes; the Shuja Mosque was built by Sultan Shuja in 1661 at Mintayabyin at Mrohaung; the Qazi Mosque was built by the famous Qazi of Minbya, the winner of sword of gold near Krit hill together with rocks inscribing ancient literature; the Qazi Mosque of Zaliyapara at Kyauktaw Township and Musa Dewan Mosque of Akyab was built in 17th century.²⁵

The position of the Muslims in Arakan was glorious during the time of Mrauk-U Empire but it slowly ebbed down following Burmese occupation (1785-1825). During the British colonial rule too they had been discriminated and politically blindfolded by the British so much so that none of the Muslim could hold high position in the administration of the government.

Under the prevailing 1982 Citizenship Law, Rohingyas are excluded as an ethnic group. The withholding of citizenship has become a mechanism for discrimination and persecution on the basis of ethnicity. After the military coup in 1962, it became difficult for the children of recognised citizens to receive citizenship cards. In 1989 all Burmese residents had to apply for new citizenship Scrutiny Cards. The Rohingyas have applied for it. But no cards are issued for Rohingyas.

Rohingyas are still considered non-citizens and unwelcome by the Burmese military junta except for the free labour. Since 1991 their freedom of movement have been severely restricted by the ruling junta. Indeed Rohingyas are doubly at risk in facing abuses such as forced labour, forced relocations, con-

fiscation of land and property, arbitrary Taxation and denial of freedom of movement, speech, association, assembly and freedom from fear and want.

Burma's practice is contrary to prevailing international norms enjoining states to reduce statelessness as well as Declaration of Human Rights Article 15 stipulation that "no one shall arbitrarily be deprived of his nationality." The Convention on the Rights of the Child, to which Burma acceded in 1992, obliges states to provide children who would otherwise remain statelessness with the right to acquire a nationality.

Burma's military junta is one of the world's worst human rights violators. The junta rules by decree. In reality, the only law in Burma is what the generals from day to day decide it to be. The junta is accountable to no one. Gross human rights abuses, environmental devastation, massive heroin smuggling, regional military destabilization these are Burma's realities under the junta's absolute rule.

Independent Burma had long pursued a policy of neutrality. But today, the military regime is increasingly dependent on China as a political ally and arms supplier, which alarms many countries and helping to spur a costly regional arms race which divert funds desperately needed for human development.

The people of Burma are today struggling to reclaim their rights and freedom of their country from one of the world's cruelest longest lasting dictatorships. The cost is high. Thousands of peaceful democracy activists have been killed. Many have been tortured and imprisoned. Yet even as individuals fall prey to repression, the democratic spirit of Burma's peoples refuses to die.

Notes:-

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Chapter - I

Human / Civil Rights

Aristotle said, "If a man is social by nature, he is quarrelsome too." This aspect of the nature of man and the instinct of living together and cooperating with one another require adjustment of behaviour according to some accepted rules. To reach a golden age of justice, it is crucial that the sense of justice be imbued among those involved in the legal and judicial system.

The Universal Declaration of Human Rights passed and proclaimed by the Assembly of United Nations on December 10, 1948, lay down a minimum standard of human rights based on "The inherent dignity" and "The equal and inalienable rights of all members of the human family." It affirms that all human beings ought to be treated as equal and as having a fundamental right to individual liberty.

The effort of Commission on Human Rights appointed by the United Nations Economic and Social Council place the doctrine of rights on a broader basis than the individual states and laws. But in practice, a number of states which approved the Universal Declaration of Human Rights interpret very differently their common undertaking "to respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance." Russia refused to sign it, obviously for the reason that she did not believe in the principles of individual liberty, as the majority of the members of the United Nations understood them. There are differences of practice, however,

among the signatories, too.

Americans would no doubt consider that the class distinctions, which exist in Great Britain, infringed the principle of equality, whereas the Britain and American could both be changed with infringements of the principle of equality between races.

Abraham Lincoln said, " that in due time the weight shall be lifted from the shoulders of men and that all should be given an equal chance." to determine their destiny. This statement is based on the historic declarations of the rights of man. The Historic Theory of Rights emphasizes that rights are the product of history. They have their origin in customs. If the right to life is the basis of society, the right to liberty is the essence of human existence. The movement of the individual should not be restricted by any arbitrary exercise of authority by the government. "Mere life without movement would be meaningless and without the exercise of human faculties it would not rise above the levels of animals."

Freedom of movement is like a dream to Rohingyas of Arakan in Burma. Not a single Rohingya is allowed to travel to the capital city, Rangoon even in case of life and death question. Travelling is so restricted that one cannot go from a village to another without a pass, which is not easily obtainable. A New Berlin Wall is erected for Rohingyas in Arakan. Thus the Muslim Area of North Arakan is now like a concentration camp.

Article (13) (1) (2) of the Universal Declaration of Human Rights provides right to freedom of movement which is being denied by the SLORC turns SPDC, the ruling military junta of Burma. Citizenship certificates for Rohingyas are denied. The Rohingyas, despite their centuries - old settlement in Arakan

have still been branded as alien of people of Bangalee stock. One cannot be branded Banglaee or Indians because he belongs to Aryan Stock. Article 15 (1) (2) of the Universal Declaration of Human Rights provides right to nationality to everyone which is being denied to the Rohingya by the junta, the SLORC/SPDC.

Extraction of forced labour from Rohingyas since 1962 military takeover now turned into the shape of ugly slave labour. Their sources of earning are destroyed. The Rohingyas are made educationally backward, economically crippled, socially and culturally degenerated. Their lands are confiscated. They have been deprived of their right to work. No freedom of marriage for the Rohingyas. Artificial price-hike is created by restricting them to carry any essentials into the Rohingya areas. They have been subjected to rape, murder, loot, and extortion of money. They have to supply free of cost house building materials, ration, cattle, agricultural tools and funds to the army. Rohingyas have been rendered jobless, landless and foodless, shelter-less and most of them are living on nearly starvation. They are now being subjected to condition flagrantly contrary to all norms of international laws and principles of fundamental Human Rights and freedom.

The effort necessary to remain uncorrupted in an environment where fear is an integral part of every day existence is not immediately apparent those fortunate enough to live in states governed by the rule of law. Just laws do not merely prevent corruption by meting out impartial punishment to offenders, they also help to create a society in which people can fulfil the basic requirements necessary for the preservation of human dignity without recourse to corrupt practices.

The Universal Declaration of Human rights of the United Nations proclaims that every individual and every organ of society should strive to promote the basic rights and freedoms to which all human beings regardless of race, nationality or religion are entitled. But as long as there is government whose authority is founded on coercion rather than on the mandate of people, there international action must be to protect and promote human rights within a system, which denies the existence of basic human rights, fear tends to be the order of the day. Yet even under the most crushing state machinery courage rises up again and again.

An eminent development economist has observed that best defence against famine is an accountable government. There is a clear connection between rights and the political unrest, which is mounting widely around the world.

In the charter of the United Nations, all members (Article 56) pledge for the achievement of higher standards of living, full employment and condition of economic and social progress and development. [Universal respect for the observance of human rights (Article 55)]. More than half of the world's populations are underfed or under nourished. More than half of the world's people are illiterate. And almost everywhere the lines of poverty and underprivileged coincide with those of race and colours. "The world cannot be considered secure," noted Mikhail Gorbachev, the President of the Soviet Union, if a large part of this world lacks elementary conditions for a life worthy of man, if millions of people have a full, rights to go hungry, to have no roof over their heads and to be jobless and sick indefinitely."

If the enormous resources now being spent on the arm race

were to be used for other purposes, the world would be freed with hunger, poverty and illiteracy, numerous epidemics and diseases and provide housing and secure a steadily growing standard of living for everyone. Illiteracy could be wiped out throughout the world. A fifth of the world's military expenditures would be enough to do away with hunger on the globe.

UN Covenant on Economic, Social and Cultural Rights, 1966, Article (1) (2) says: All people may for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of natural benefit and international law. In no case may a people be deprived of its own means of subsistence.

The Rights of all nations to self-determination is a key principle of international law. Unless it is observed in practice, no nation or ethnic groups and hence no individuals forming them can be free. That is why the realization of the right to self-determination is an essential pre-requisite and condition for securing people's fundamental rights and freedom. Article (1) and (2) of the international covenant on Civil and Political Rights provides that all people have the right of self-determination. By virtue of that they freely determine their political status and freely pursue their economic, social and cultural development.

In accordance with the 1948 convention on the prevention and punishment of the crime of genocide, genocide also regarded as a crime in violation of the norms of international law (Article 1). In 1948 the UN General Assembly adopted the declaration on the rights of people to peace, proclaiming, "The peoples of our planet have a sacred right to peace." (Resolution 39/11 of November 12, 1948).

Article (5) of the Universal Declaration of Human Rights states that "no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment." The committee Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the United Nations in 1948, is authorised to address its remark to specific states. In discussing the reports by the member states, the Committee Against Torture is authorized to use any reliable information and not only the evidence submitted by government.

The Article (23) of the Universal Declaration of Human Rights states that everyone has the right to work. But ill-fated Rohingyas are jobless in Arakan State of Burma.

Americans and Western peoples have played a notable part in the development and protection of human rights, with the ideas of the rule of law and civil liberties. The USA is trying to improve the respect for human rights in the communist China.

The rights to personal liberties require that arrest and detention must conform to specific provisions of law, and be subjected to rapid judicial control by procedure of habeas corpus or equivalent (Declaration, Article 3, 9). The elimination of slavery and forced labour has a long history of international action. The ILO sponsored conventions in 1930 and 1957, working towards the elimination of forced labour.

For more than forty years the UN General Assembly, the Economic and Social Council, the Commission on the status of women, the Commission on Human Rights and other competent bodies of United Nations have worked energetically to promote full equality between men and women and to eliminate discrimination against women. They have been assisted by the intensive work of the International Labour Organiza-

tion (ILO). ILO was engaged in improving status of women before the establishment of the United Nations.

In 1948, the General Assembly expressed concern over the "fate of minorities." In 1950, the sub-commission for the "protection of minorities" completed its draft to what was to become article (27) of the International Convention on Civil and Political Rights. "Persons belonging to ethnic religious or linguistic minorities shall not be denied the right, in the community with the other members of their groups, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

The sub-commission in 1988 called for more practical approaches to the protection of minorities. Especially significant has been the recent widespread experimentation with various form of autonomy, devolution or self-government for indigenous peoples and minorities, in countries as diverse as Nicaragua, the Philippines, Bangladesh, Sri Lanka and Norway.

The United Nations is now considering the appointment of a Special Rapporteur to study the minorities' problems. It is hoped that the report will greatly facilitate in not only arriving at an understanding on the steps, ways and means to protect minorities, but will also prove to be useful in clearly defining what is the general definition of minorities and people.

Mrs. Franklin d. Roosevelt of United States, one of its authors, expressed the view that the Declaration was not a treaty; it is not an international law. In *Sei Fuji V. California* 1952, the Supreme Court of California held that the Charter and the Declaration were not self-executing and that they could not therefore invalidate the California Alien Land Law, which forbade the requisition of land aliens. On the other hand the UN

General Assembly considered that the Charter obliged members to "Promote" human rights and condemned those who violated such rights. For instance, it is condemning Burma annually for the violation of Human Rights.

In a review of the United Nations and Human Rights the then Secretary General U Thant, declared that; " The establishment of human rights provides the foundation upon which rests the political structure of human freedom; the achievement of human freedom generates the will as well as the capacity for economic and social progress which will lead to true pace."

Throughout American history, controversy has, swirled about decisions of the Supreme Court. Today there are critics who charge the court with undue passivity in applying the Bill of Rights. In what has been said it is evident that judges play a highly significant role in giving meaning and vitality to a Bill of Rights. The courts are indeed central to a constitutional order in the vindication of individual rights and private choice.

Woodrow Wilson wrote in his "Constitutional Government in the United States" so far as individual is concerned, a constitutional government is as good as its courts. No better, no worse. For a constitutional judge, Learned Hand, one of the most civilized American Judges of the 20th century, has nowhere better put than the importance of a capacious and philosophical mind.

If we look at the actual experience of developing nations we find no correlation between poverty and human rights. On the contrary respect for human rights is itself a force that liberates productive energies and strengthens a genuine sense of unity.

To assure the effectiveness of Bill of Rights an independent judiciary and a courageous and independent bar must exist

which is a dream for the Burmese people. With these a Bill of Rights can build the deepest aspirations of the people into the structure of their common life. Judges ought to exercise their judicial powers in accordance with the rule of law and not the rule of men. As Socrates said : "Four things belong to a judge: to hear courteously, to answer wisely, to consider soberly, and to decide impartially."

Human rights are those rights everyone is entitled to enjoy by virtue of being human: Discrimination of all kinds is wrong. The rights proclaimed include those of "Life, liberty, and security of person." Others are concerned with other personal. The Civil and political rights are those such as freedom of thought, freedom of conscience and religion, freedom of opinion and expression and of peaceful assembly and association. Since these rights by themselves do not guarantee dignity and freedom there are also economic, social and cultural rights to which all human beings are entitled. These include: the rights to work, to rest and leisure, to an adequate standard of living, to education and to take part in the government of his country.

Chapter-2

Human Rights Development

Retaliating against attack by insurgent forces, army troops in Burma inflicted collective and arbitrary punishment on civilians, ranging from forced labour and gang rapes to degrading inhuman treatment, torture and even summary executions, according to the report received by the special Rapporteur of the Commission on Human Rights (A/49/594). People forced by the army to porter heavy loads of troops supplies have also served as human shields between fighting factions and entire village are reported to have been destroyed by SLORC's armed forces to alleged co-operation with the insurgent forces. The SLORC/SPDC legalized the extraction of forced labour by saying that it is the culture of Burmese Buddhist.

SLORC/SPDC forces are among the worst offenders against norms of international humanitarian law. Literally all of the most egregious war crimes are everyday occurrence in the course of the SLORC/SPDC war against the ethnic minority groups, violations occur against innocent persons and the prisoners taken in the combat, surrendered personnel and the civilian population alike.

One Ko Ba Tun alias Noor Mohammed, age 32 years was arrested by the Na-Sa-Ka forces of the SLORC along with 170 Rohingya intellectuals and they were tortured to death in May 1994. Surrendered RSO Commander Shabbir and his 22 followers were also tortured to death in violation of Geneva Convention and accordingly the perpetrators should be treated as war criminals.

The SLORC categorically lied to UN Special Rapporteur Yozo

Yokota, that Muslims of Arakan are from Bengali stock and are not in 135 indigenous races, flagrantly obliterating the past record of Arakan's history. The London based Human Rights groups Amnesty International had called for the release of nine young people jailed for seven years after they delivered a eulogy at the funeral of former premier U Nu. Amnesty International, in a statement said the nine were present at the funeral of former premier U Nu in Rangoon on February 20, 1995 but were not attempting to demonstrate or make on over political statement.

The United Nations define human rights as those rights, which are inherent in our nature and without them we cannot live as human beings. They are rights which enable people to fully develop and utilise their innate qualities such as intelligence and talent and to satisfy deeper needs such as spirituality. Human rights are the foundation for a quality of life in which each individual's inherent dignity and worth will receive due respect and protection.

Respect for Human Rights is essential to social and economic progress and development. Yet, in today's world forces of repression, ethnic hatred and exploitation continually threaten such fundamental rights as an individual's life, liberty and physical security. The present situation is far from perfect. Abuses of various kinds abound, from summary executions and cruel and unusual punishment for seemingly minor crimes to spousal and child abuse and blatant social injustice. Blatant violations have led to the disruption of societies and ethnic, religious and other conflicts; the displacement of people cause family disruption, homelessness increased impoverishment and misery.

The challenge for United Nations Member States is to strengthen their commitment to promoting and protecting the

economic, social and cultural rights, as well as civil and political rights, of people everywhere.

Both development and human rights have as their main concerns survival justice and human well-being. It can be said that the goal of development is the realisation of all human rights and the development is the process through which these rights are attained.

The Vienna Declaration and program of action, adopted at the World Conference on Human Rights in June 1993, also proclaimed "democracy, development and respect for Human Rights and fundamental freedoms are interdependent and mutually reinforcing."

The United Nations human rights instruments and the principles and standards embodied in the point the way toward higher standards of life and greater personnel fulfilment. Protection of human rights is essentially about protection of each person against violations by others, be they individual, groups or even nations.

Adopted by the United Nations in 1948, the Universal Declaration of Human Rights is the first major international statement of the fundamental rights of all human beings. Defining human rights as inherent in human nature and essential for a truly human existence. It reaffirms that all human beings are born free and equal in dignity and rights. It is designed to serve as a common standard of achievement for all people and all nations ... " and reflect the moral authority of the international community.

Although not a binding treaty, the Declaration has acquired universal acceptance. Its provisions have been incorporated into laws and constitutions in many countries, as well as into many other human rights conventions and treaties since 1948.

One example is the Declaration on the Rights to Development, adopted by the General Assembly in 1986, which established "an inalienable human rights by virtue of which each person and all the peoples are entitled of participate in, contribute to and enjoy economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realised."

Among other things the Declaration states that the human person is the central subject of development and should participate in and benefit from development. All persons have a responsibility for creating conditions favourable to realisation of the right to development. This Declaration provides the philosophical basis for summit based on a "people centred" concept of development.

The International Covenant of Economic, Social and Cultural rights (signed 129 states parties) and the International Covenant on Civil and Political Rights (signed 127 States parties) are the broadest legally binding human rights agreement negotiated under United Nations. Both adopted in 1966, they entered into force in 1976, making many of the provisions of the Universal Declaration of Human Rights legally binding and opening the door to international monitoring.

Convention on the Prevention and Punishment of the Crimes and Genocide (entered into force 1951): This convention defines genocide as the commission of certain acts with intend to destroy a national, religions or ethnic group and ensure that those charged will be prosecuted.

International Convention on the Elimination of all forms of Racial Discrimination (entered into force 1969, 139 states parties): The Convention obliges State parties to eliminate racial discrimination and declare that the discrimination of ideas

based on racial superiority or hatred is punishable by law.

Convention on the Rights of the Child (entered into force 1990, 159 states parties): This Convention gathers together many concerns about child protection in all areas of life into one international code. In 1994, the appointment of the first United Nations High Commissioner for Human Rights and the Proclamation the Decade for Human Rights Education, the Decade of the world's indigenous people and the Decade against Racism provided further impetus to goal of realisation of human rights for all. Respect for human rights is essential to the success of social development initiatives.

The High Commissioner for Human Rights is the UN official with principal responsibilities for UN human rights activities. Appointed for a four years term, the Commissioner is charged with priming and protecting the effective enjoyment by all of all human rights and maintains a permanent dialogue with member states. His functions include the over all supervision of the centre for Human Rights.

Although Human Rights are under attack around the globe, international legal instruments and mechanisms do already exist to bring violations to light, to promote a global culture of human rights through education and awareness and to encourage greater compliance with internationally accepted standards.

U Thant, in 1962, put his finger on the root problem when he said, "our decade of Development cannot ultimately succeed unless it is rooted in the wills and hearts of citizens everywhere. It will not succeed unless it can win their sustained support. It will not succeed unless they see it as a great goal of human endeavour and one which they are prepared to make their own ... At its profoundest level the change of the decade of Development is a moral challenge".

Chapter-3

Address Presented to Prime Minister Thakin Nu by The Elders of North Arakan

Unlike the reign of benevolent King of Arakan, the Divide and Rule policy of the alien British Rule had created in the past, a large measure of misunderstanding between us and our Arakanese (Rakhines). Buddhist brethren. This policy culminated in the massacre of Rohingya people in 1942 residing in the various parts of Akyab District. Rohingyas are at pain to rub this unhappy episode of 1942 on wards from the mind of them all and they ever ready to come to an amicable settlement between Rohingya people and Rakhine brethren. We venture to submit that to achieve this happy result certain balanced things in the administration of our area need your Excellency's sympathetic attention and lead for a charge for better understanding.

Since the days of the British Rule we have been oppressed people, oppressed by an alien as well as Rakhines officialdom and extremist propagandist. The oppression seems now to have increased in thousand folds rendering our law abiding and peace loving people homeless, compelling them in thousands to take refuge in foreign land. We are at pains to mention that since the 10th November 1948, our area has been turned into a land of tragedies. Many villages were burnt down and crops destroyed. In some villages, innocent women were made to enter into trenches. And automatic weapons were used freely on

them. Life has become intolerable for the Rohingyas in this area. Thousands of them compelled to leave their ancestral home.

Starting with the occurrence at Nowyapara, Ngakandok, Siddar para, Khandhakata villages, these tragedies enveloped slowly by the whole of Maungdaw and Buthidaung Townships. There are many cases in which the Rohingyas in Maungdaw Township were burnt down alive in their houses. Hardly very few persons living in area south of Maungdaw could escape from this carnage on the 10th and 11th November 1948.

The village elders were constantly being threatened to be arrested under section 5 POPA, BTFs and polices were extorting money from them and in fact many elders were arrested under section 5 POPA and the misuse of 5 POPA became chronic in them. Before the BTFs used to go in a batch of 6 to 12 to extort money from the villagers and threatened the well to do people that if they failed to comply with their demands for money at once they will be killed or placed under arrest or the young girls taken away. When this tactics of the BTFs and UMPs came to the extreme boiling points the villagers jointly appointed watchman in the strategically points as soon as they informed that BTFs and UMPs are coming, the whole village with their young girls had run away and had to take shelter in nearest jungles leaving old women folks in the villages. When BTFs discovered this they started to molest the old ladies who were left behind and they also change their policy of attack. Instead of coming at daytime or in the evening, they attacked the village very early in morning when the villagers were asleep and surrounded the houses of the rich and extorted money from them as a result of which the wealthy people en mass disappeared from the villages and they took shelter either in jungle

or in Pakistan. Many villages are altogether deserted. The plight of Rohingya women was heart-rendering that it beggars all descriptions. There are many cases of rape on Rohingya Ladies who have never seen the light of outside their homes and taken away for some days and returned later. Even elderly women were not left untouched in the villages where the BTFs and UMPs were moving. The beards of many highly respected and elderly people have been shaved and appalling atrocities have been committed. The forces were plainly telling Rohingyas that unless they vacate this land they would be tortured and butchered like animals and that they were appointed to wipe out the Rohingyas from this area. The BTFs have adopted another tactic by forming into two parties; one party goes ahead certain villages and start firing in the air, while the other party shouted "Mujahids". Mujahids and fire in the air then started plundering the villages.

They submit that there is a conspiracy by the extremist communal leaders to put all their leaders, who were whole heartedly cooperating with the Government at the risk of their lives into troubles so that the former may carry out the whole sale extermination to Rohingya people.

They submit that the case of Mr. Nur Ahmed, Member of the Peace Mission, who was unconditionally released from illegal arrest and detention is a vivid example to prove this conspiracy and the article appeared in the issue of the "Guide Daily" dated the 23rd February 1950, making allegations against Mr. Sultan Ahmed, Parliamentary Secretary to the Hon'ble Minister for Minorities is another example of conspiracy which needs the Prime Minister's sympathetic consideration.

They submit that except Mujahids who have taken arms against

the Government established by law, all the Rohingyas are law abiding and peace loving. The payment of revenue to the Government for the years 1945-46, 1946-47, 1947-48 and 1948-49 is a piece of evidence unflinching loyalty and devoting of their people to Government before and after the attainment of Independence of the Union of Burma, whereas in other townships of Akyab District default on payment in revenue will compare hopelessly with their area.

Since November 1948, the oppression, persecution and discrimination directed against the Rohingya people reached their climax in the hands of local forces and police forces on the pretext of suppression of lawless elements.

In Maungdaw Township advisory committee, Rohingyas are given two representatives against eleven for Rakhine brethren although Rohingya population formed 95% of the total population in Maungdaw Township. Rohingyas placed under Rakhine Headman in the villages where Rohingyas are in great majority. Rohingya had officers and other personal in the administration to their area and they were withdrawn from the administration of this area and replaced by other officers and personnel. Rohingyas had not been considered for the appointment in the military forces.

Rohingya elders complaint with their Honourable Prime Minister that for the coming general election Maungdaw and Buttidaung Townships with a populations of about three lakhs are allotted three seats for the chamber of deputies and one seat for the Chamber of Nationalities. Whereas Akyab and Rathedaug Townships with a population of about 120,000 combined given three seats and Myohaung and Kyauktaw Townships with the same populations were given three seats as well.

They had undergone great pain at heart to learn these unequal treatment meted out to them and venture to submit that population basis alone Maungdaw and Buthidaung townships were entitled to be allotted not less than five seats in the Chamber of Deputies and two seats in Chamber of Nationalities.

In the issue of Export and Import license, there was also discrimination against the Rohingyas. It was much to be regretted that Rohingyas were treated as foreigners and they were required to take permissions to go to Akyab. On account of 1942 riots, many of Rohingya people living in other parts of Akyab District had evacuated to East Pakistan and no action has yet been taken to repatriate them to their original places.

It is also to be regretted that the Muslims of other townships of the Akyab District who have taken refuge in Maungdaw, Buthidaung and Akyab townships have not yet been repatriated to their original places and their properties worth crores of money were being enjoyed by others.

While peace mission was sent by the Prime Minister U Nu, about May 1949, they appealed to the people to maintain law and order at all cost and restore peace and declared that the Government was sympathetically and actively considering the question of creation of a District in North Arakan. But the Government failed to do so until the Prime Minister's visit to Rohingyas area. They submit that the creation of a separate District for area comprising Maungdaw, Buthidaung and Rathedaung townships with its Headquarters at Maungdaw for better administration and developments and for the better protection from the inroads of foreign states and to save them from perpetual tyranny of the extremists officialdom and other personal and their duties towards the Rohingya people. Their

area is already too thickly populated to have or admit any immigrants. They are economically self-sufficient.

Rohingyas are conscious that there shall be complete unity among all the races of the Union. They cannot and will not appreciate and encourage any lawlessness in the country. They assured the Hon'able Prime Minister that their people will co-operate whole-heartedly with the Government, to attain peace within one year and crushed down the Lawless elements. They submit the following points for the Prime Minister's consideration as desired by their people:

The Rohingya elders of North Arakan submitted the following demands to his Excellency Thakin Nu, the Prime Minister of the Union of Burma on his visit to Maungdaw on the 10th March 1950.

1. To withdraw the BTFs and UMPs and Prejudicial police Officers.
2. To dispatch to Maungdaw and Buthidaung at least two companies of Kachins, Chins or Gurkha Rifles to fight against the insurgents-so called Mujahids.
3. To raise Home guards from our people to assist the military under military control for the suppression of Mujahids.
4. Immediate declaration of a new District of the Rohingya populated area consisting of Maungdaw, Buthidaung and Rathedaung townships with its Headquarters at Maungdaw.
5. Posting of an impartial Burmese or Anglo-Burmese Deputy Commissioner and a District Superintendent of Police to this newly created District.
6. To enforce the provisions of the Democratisation Act 1949 to this newly created District.
7. To replace all the Rakhines officials for the suppression of

Mujahids of Maungdaw and Buthidaung by impartial Burmese or Anglo-Burmese officers for the time being.

8. To place this newly created District immediately under the direct control of the Commissioner of Arakan Division or the Government on the same line as Naga Hills District, Gangaw and Saw and Pauk Townships of the Pokkoku District.
9. Allotment of at least five seats for Maungdaw and Buthidaung townships in the Chamber of Deputies and two seats in the chamber of Nationalities on the basis of population.
10. To provide proper and adequate educational facilities for the Rohingyas.
11. To take proper censuses under the supervision of an impartial Burmese and Anglo-Burmese officer.
12. Recruitment of loyal Muslims in Army, Navy, Police forces and civil services.
13. The Rohingya should no longer be the victims of the differential treatment because of their religion.
14. To repatriate and rehabilitate the refugees immediately.
15. To take drastic action against the unruly forces and officials according to law.
16. To try and release all the Muslims detainees.
17. An enquiry commission may immediately be appointed to enquire into the atrocities committed on the people.
18. To appoint a Rohingya refugee and Relief Officer to look after the refugees in Pakistan and another for refugees in Mangdaw and Buthidaung.
19. To put an immediate stop to the forced rations from the people, which has been enforced for the last two years.
20. If the rest of Arakan is given a separate state, the area comprising Maungdaw, Buthidaung and Rathedaung townships may be created a separated state in the same line or be placed under direct control of the Union of Burma.

After representations have been submitted to the Government pointing out the above facts and they were informed that all the above demands have been strongly recommended to the Government by the Hon'able U Aung Zan Wai, Minister for Minorities, for implementation. But nothing has been done so far, in the way of implementation to alleviate the distress of the suffering mass.

In their representations, to the Hon'ble Prime Minister, the Rohingya elders also mentioned that "We are conscious that what your Excellency meant when your Excellency delivered a speech when the Regional Autonomy Enquiry Commission was opened with terms to put it briefly, satisfaction is not other than conviction by each national group that it is receiving fair and just treatment at the hands of others. Mere lip service cannot get satisfaction; it must be implemented by deeds.

We are conscious that the Union of Burma at this juncture of our history requires the greatest of the national solidarity for its very existence; there should be complete unity of all races. We are sure that our people will cooperate with your Excellency's Government in every way to obliterate the lawlessness in the country and sacrifice our lives for the restoration of law and order. We as a race venture to send through your Excellency to the people of the Union. This message of cooperation and friendship on the interest of the solidarity with other races of the Union of Burma and to your Excellency's Government is our loyalty and devotion, for the solidarity of our Union.

Chapter-4

The Quest for Identity

Hegel says man is distinguished from animals by his struggle for recognition. There exist primitive passion and extreme ethnic hatred in Burma. U saw, the former Prime Minister of Burma had been raising the voice that until the Muslims of Arakan can prove their grandfather or grandmother to have the real Burmese blood, so long they will be treated as foreigners. That is to say, if the flow of Burmese blood is not found in them, they will be deprived of civic rights. In this disorderly world not every thing is logical and organic while reason is not free, while faith would want to impose itself against facts, while whims are laws and while there are nations that subjugate the others," wrote Rizal.

Human dignity must be promoted in society through justice, virtue and compassion. They belong to all. All of us belong to only one community of mankind. Asia is a region with diverse population with different ethnicity, culture and faith these has not been by choice, but were forced by circumstances and history to become a nation not by dissolving our identities.

In 1942, at the instigation of Nationalist Burmese and extremists Rakhine of Arakan carried out brutal mass killing of the Muslims of Arakan. Thousands of innocent Muslims were placed under the sword. They perpetrated torture and atrocities on the Muslim women and even the infants were placed on the point of spears. As a result about 100,000 of Muslims were massacred by the Rakhine and rendering 500,000 homeless. About 80,000 fled to Bengal and took shelter in the Refugee camps of Chittagong and Rangpur.

In 1945, when the British were able to recapture Burma, only a limited number of Muslim went back to Arakan in 1946. But they could not got favourable atmosphere for rehabilitation.

The Muslims of Arakan in order to establish their identity carried out movement through their political organisation, "The Jamiat-E-Ulema E Arakan." They sent a telegram to Lord Atlee, the then Prime Minister of British Empire, for the recognition of Rohingyas as the indigenous race of Burma. General Aung San granted them the voting right and the right to contest the parliamentary elections.

The Muslims of Arakan were elbowed out from the political parleys and the national conference at Panlong whereas the Buddhist Rakhine alone represented on behalf of the whole people of Arakan. Even after reaching to a consensus enabling General Aung San to achieve independence, the country soon plunged into a state deep political turmoil. Soon after the independence in 1948, the whole country was engulfed by multi-coloured insurgency. In 1948 the powerful Karen rebels were at the suburbs of Rangoon before they could be beaten back by massive Indian aid.

In the Arakan region, the Rakhine wielding fully political power, after the independence, started by some extremists to massacre the Muslims in tens and thousands, burnt their villages and looted their properties. The memory of Burma Territorial Forces (BTF) and their brutality still shudders the conscience of every living Rohingya till today. Being put to a serious task of maintaining their existence, the vulnerable Rohingyas were compelled to rise in arms against the tyranny of the ruling regime and extremists Rakhine.

Considering their position, the Muslims of Arakan felt strongly

the necessity of organising a strong political body. But as no peaceful and secure positions were found anywhere in Burma and in face of the attack of the extremists Rakhine and other insurgents, some young Muslims organised the Mujahid party. Arakan was one of the places where anarchy prevailed, attackers would lay raid on their lives and property and they were expected to be ruined any moment due to lack of proper resistance. This precarious position led them to organize the Mujahids party. Mujahids claimed that they had taken up arms only when all their protests and appeals had gone unheeded.

After the 1942 communal riot some political leaders of Rohingya emerged. A Muslim conference was convened in Arakan and Mr. Saleh Ahmed was selected as the President of the "Arakan Muslim Conference" and Mr. Zahiruddin Ahmed as the Secretary General.

Mr. Zahiruddin Ahmed, in his capacity as the Secretary General of the Arakan Muslim Conference, wrote open letters to Prime Minister U Nu several times. The copies of the letters were still in the possession of Rohingya Muslim elite. He also wrote to world bodies, world leaders and to the Government of Burma and Pakistan. His writing on "Stop Genocide" is highly placed.

In an open letter to the President, Premier and the Government of the Union of Burma, Mr. Saleh Ahmed, President, Mr. Zahiruddin Ahmed, Secretary General of the Arakan Muslim Conference wrote on 10th June 1951, that: "Hereby we submit to you the Constitutional Demands of Arakan Muslims who, along with you all, claim to be equal and faithful citizen of the Union of Burma and therefore, entitled to equal share in the freedom, democracy, progress and the collective security of

the system of the Union. We assert that we are the most loyal and faithful citizens and nationals of the Union of Burma in the whole of Arakan, if not in the whole of Burma ... We are not and shall never be separatists". We are dead against the 'Separatists'. We claim Burma as our home. We urge upon you to treat your minorities not only justly and fairly but also generously and benevolently ... You should make us feel that the union is our own and not the exclusive property of this or that race and the Instrument of their imperialist rule over other people. This way lays Ruin and Disintegration.

Chapter-5

BTF Atrocities

Burma Territorial Force (BTF) organised in 1949 to suppress the Rohingyas, most of them are extremists Rakhine community. The measure of BTF period and their brutality still shudders the conscience of every living Rohingya till today. The BTF unleashed a reign of terror in North Arakan under the direction of Kyaw Oo , the firebrand Rakhine Deputy Commissioner of Akyab district, killing hundreds of people and burning several villages. Thousands of Rohingya were made homeless and nearly 50,000 had fled to the then East Pakistan. Maung Gri was first commanding officer in 1950; Capt. Saw Hla Aung was replaced and then transferred them to UMP (Union Military Police).

In the language of Dr. Mohamed Yonus, "in 1949, the Burmese administration formed a frontier security force known as Burma Territorial force (BTF) with local recruits. In Arakan 90% of the BTF was manned with extremists Rakhines particularly those who are sworn enemies of the Rohingya. The BTF under the direction of the Deputy Commissioner of Akyab District, Kyaw Oo, an extremist, unleashed a reign of terror in the whole north Arakan. Rohingya men, women and children were mowed down by machine gun fire. Hundreds of intellectuals, village elders and youth were killed like dogs and rats. Almost all Rohingya villages were razed to the ground. The BTF massacre triggered refugee exodus into the East Pakistan numbering more then 50,000 people.

In their address to Prime Minister U Nu, the Rohingya elders

of North Arakan stated, "we are at pains to mention that since the 10th November 1948 our area has been turned into a land of tragedies. Many villages were burnt down and crops destroyed. In some villages, innocent women's were made to enter into trenches. And automatic weapons were used freely on them. Life has become intolerable for the Rohingyas in this area. Thousands of them were compelled to leave their ancestral home.

"The BTF used to go in a batch of 6 to 12 to extort money from the villagers and threatened the well to do people that if they failed to comply with their demands for money at once they will be killed or placed under arrest or the young girls taken away. When this tactics of the BTFs and UMPs came to the extreme boiling points the villagers jointly appointed watchman in the strategically points as soon as they informed that BTFs and UMPs are coming the whole villagers with their young girls had run away and had to take shelter in nearest jungles leaving old women folks in the villages. When BTFs discovered this they started to molest the old ladies who were left behind and they also change their policy of attack. Instead of coming at day time or in the evening they attacked the village very early in morning when the villagers were asleep and surrounded the rich man's houses and extorted money from them as a result of which the wealthy people in mass disappeared from the villages and they took shelter either in jungles or in Pakistan. Many villages are altogether deserted. The plight of Rohingya women was heart rendering that it beggars all descriptions. There are many cases of rape on innocent ladies who have never seen the light of the outside of their homes and taken away for some days and returned later. Even elderly women were not left untouched in the villages where the BTFs

and UMPs were moving. The beards of many highly respectable and elderly people have been shaved and appalling atrocities have been committed. The forces are plainly telling Rohingyas that unless they vacate this land, they would be tortured and butchered like animals and that they are appointed to wipe out the Rohingyas from this area. The BTFs have adopted another tactic by forming into two parties, one party goes ahead certain villages and start firing in the air, while the second party shouted "Mujahids", Mujahids and fire in the air then started plundering the villages."

Some of the Rohingyas massacred by the BTFs in 1949 onward are:

1. Master Ashrof Hussain, S/o Fazal Rahman, (School Teacher) Alay Thangyaw, Mdw.
2. Amina Khatoon, W/o Ashrof Hussain, Alay Thangyaw, Mdw.
3. Umor Hamza, S/o. Hussain Ali, Naya Para, Mdw.
4. Abdul Gaffar, S/o. Abdur Rahman, Naya Para, Mdw.
5. Mov. Abdul Khaleque, S/o. Kalu, Taungbazar, Btd.
6. Dil Mohamed, S/o. Abbas, Taungbazar, Btd.
7. Sayed Ahmed S/o. Mov. Abdus Samed, Taungbazar, Btd.
8. Abdul Hashim, S/o. Hamidur Rahman, Taungbazar, Btd.
9. Abdul Motaleb, S/o. Nurruddin (headman), Naraingchang, Taungbazar, Btd.
10. Abdul Shokkur, S/o. Nurruddin (Student), Taungbazar, Btd.
11. Mov. Mohammed Siddique, S/o. Hajee Abdul Motaleb, Taungbazar, Btd.
12. Sayed Ahmed S/o. Ozir Ali, Taungbazar, Btd.
13. Aminulla, S/o. Abdul Salam, Maungnama, Phalidang, Btd.

14. Master Azher Hussain, S/o Abdur Rahman (JAT), Ponnyolic Village, Btd.
15. Fazar Ali, S/o. Nazir Ali, Laymyo, Btd.
16. Tazar Muluk, S/o. Ali Ahmed, Laymyo, Btd.
17. Hamid Hussain, S/o. Tanda Mia, Taminchaung, Btd.
18. Jalal Bakshu, S/o. Hamid Bakshu, Ponnyolic, Btd.
19. Fazara, S/o. Nazir Ali, Sendaung, Btd.
20. Tajar Mulluk, S/o. Mohd Ali, Seindaung, Btd.
21. Hamid Hussain, S/o. Tanda Mia, Taminchaung, Btd.
22. Nezamat Ali, S/o. Mohd. Hussain, Sawprung, Btd.
23. Gura Ali, S/o. Abdul Hamid, Sawprung, Btd.
24. Yusuf Ali, S/o. Sultan Ahmed, Sawprung, Btd.
25. Gul Bahar D/o. Abdul Jabber, Sawprung, Btd.
26. Mason Ali, S/o Hasson Ali, Sawprung, Btd.
27. Habbri, D/o. Mohd. Subhan, Sawprung, Btd.
28. Jalil Ahmed, S/o. Shahar Mulluk, Sawprung, Btd.
29. Moqbul Ahmed, S/o. Aziz Ahmed, Lawadaung, Btd.
30. Hamid Hussain, S/o. Abul Hussain, Lawadaung, Btd.
31. Hamza, S/o....., Kazyapa, Kambrung, Btd.
32. Ali Hussain, S/o. Abdu Salam, Rwanyodaung, Btd.
33. Sayad Hussain, S/o. Abdul Salam, Rwanyodaung, Btd.
34. Amir Hussain, S/o. Abdul Salam, Rwanyodaung, Btd.
35. Abdul Ali, S/o. Rwanyodaung, Btd.
36. Noor Hakim, S/o. Seindaung, Btd.
37. Sultan Ahmed, S/o. Seindaung, Btd.
38. Abdul Latiff, S/o. Seindaung, Btd.
39. Shorif Uddin, S/o.....Valayal Ali, Taungbazar, Btd.
40. Obidullah, S/o. Ali Muddin, Baggona, Mdw.
41. Mukhles, S/o. Gulam Qader, Baggona, Mdw. .
42. Jabbar, S/o. Gulam Quader, Baggona, Mdw.
43. Azam Bi, D/o. Gulam Quader, Baggona, Mdw.
44. Hafeza Khatoon, D/o. Gulam Quader, Baggona, Mdw.

Chapter-6

Citizenship Legislation

In 1947 the Constitution defined a citizen to be: "(1) Every person, both of whose parents belong to any of indigenous races of Burma, (ii) Every person born in the territories included within the Union, at least one of whose grandparents belong or belonged to any of the indigenous races of Burma, (iii) Every person born in any of the territories included within the Union, of parents both of whom are, or if they had been, alive at the time of the commencement of this constitution would have been citizen of the Union; (iv) Every person who was born in any of the territories which at the time of his birth was included within, his Britannic Majesty's dominions and who has resided in any of the territories included within the Union for a period of not less than 8 years in the ten years immediately proceeding the first January 1942, and who intends to reside permanently therein and who signifies his election of citizenship of the Union in the manner within the time prescribed by law."

In 1948, However, a new Citizenship Act was promulgated which restricted section IV to any person from ancestors who for two generations at least have all made any of the territories included within the Union their permanent home and whose parents and himself were born in Burma. They were required to apply for registration within one year of the law and were given identity cards.

Rohingyas were not required to apply for citizenship and were given identity cards. They voted as citizens of Burma in Brit-

ish rule, in 1936 Legislative Assembly Election, in 1947. Constituent Assembly Election, during the democratic period from 1948 to 1962, during BSPP U Ne Win's reign (1962-1988) and also in the general multiparty election of 1990 given by the SLORC. Thus allowing Rohingyas to take part in the Election since British Rule to SLORC's election must be upheld as a measure of recognition, Rohingyas were not only permitted to vote, but also allowed to get elected in all general elections.

Mr. Gani Marcan was the proud representative of Rohingyas during the British period. Mr. Sultan Ahmed and Mr. Abdul Gaffar were the Rohingya members of the Constituent Assembly. Mr. Sultan Ahmed, was also a member in drafting constitution committee of 1947. Mr. Sultan Ahmed, his wife Daw Aye Nyunt, Daw Aye Nyunt's father U Po Khine, Haji Abul Khair, Mr. Abul Bashar, Mr. Rashid, Mr. Sultan Mahmud, Mr. Abdul Gaffar, Mr. Soban, Mr. Azhar Meah were all Rohingya members of Parliament during the (1948-62) democratic period. From 1947 to 1958 Mr. Sultan Ahmed was Parliamentary Secretary of the Burmese Parliament. Mr. Abdul Gaffar and Mr. Abul Bashar also served as parliamentary secretaries while Mr. Sultan Mahmud was the Minister of Health in the cabinet of the Prime Minister U Nu.

The Rohingya representatives of Hluttaw (Parliament) during the socialist period of U Ne Win are Mr. Abul Hussain, Dr. Abdul Rahim and Advocate Abdul Hai, Mr. Muzaffar Ahmed, Kyaw Thein Mustaque, Mustaque Ahmed, Saleh Ahmed, Elias, Aman Ullah and many others were Rohingya representatives to Arakan State Council during the BSPP periods.

Under the 1989 General Election law all citizens, Associate Citizens and Naturalized citizens are permitted to vote, but are

not allowed to stand for election. No foreign residents have the right to vote, Thus, allowing the Rohingyas to vote and stand for the national election must be upheld as a measure of recognition of Rohingyas as bonafide citizens of Burma.

In fact Rohingyas were not only permitted to vote, but also allowed to form political parties according to 1989 General Election Law. The Rohingyas formed their own political parties as well as they joint their brethren Rakhine to form political parties. Rohingyas political parties are (i) National Democratic Party for Human Rights (NDPH), (ii) Mayu Development Student Youth Organisation (Arakan), (iii) National Ethnic Reformation Party (iv) National Ethnic United Party.

The NDPH won all four seats in Maungdaw and Buthidaung Townships and in each constituency votes for the parties counted were eighty percent of the total vote cast.

Moreover, the turn out in both townships the national average at seventy percent of eligible voters. It is likely that the high percentage is due to the government's low estimate of the population in North Arakan, "Population figures, as with all statistics in Burma are notoriously unreliable", wrote Zunetta Liddell (London) published in Human Rights Watch/Asia, September 1996 Vol. 8, No.9 (c) page 34, footnotes No. 80.

The NDPH also filed candidates in four other constituencies: Kyauktav-1, Minbya-1, Mrauk U-2, and Stittwe-2 where they gained an average of seventeen percent of the votes. For Stittwe-2, constituency the NDPH support the Kamans National League for Democracy, candidate U Shwe Ya as NDPH candidate U Kyaw Hla Aung was jailed for fabricated accusation. U Shwe Ya, the Kaman Muslim was the winner.

While not permitted to use the name Rohingya in the party title, the NDPH was allowed to publish a book in Burmese called "Arakan State and Rohingya People: A Short History" on August 31, 1990.

Of the four NDPH elected members of Parliament, Fazal Ahmed of Maungdaw 2 Constituency was arrested in June 1992. He was accused of involvement in planting bomb in Maungdaw, along with the NLD Maungdaw Township Secretary Mohammad Ilyas. Another NLD Organiser escaped the arrest and left his homeland. Both men were severely tortured, resulting in the death of Mohammad Ilyas, Fazal Ahmed was given five years sentence.

In January 1993 the government, having failed to honour the result of the 1990 general election, called a Sham National Convention to draft a new constitution. There is only one representative from the whole of Arakan State at the National Convention, U San Tha Aung of Mro (a) Khami National Solidarity Organisation. U San Tha Aung gained 15,801 votes in the election. He therefore represents less than 0.7% of the total population of Arakan State.

According to the 1947 Constitution "a group of people who entered Burma before 1825 and settled in a defined territory are also indigenous race of Burma." This clause was especially written for the Rohingya people said, Dr. Aye Mang one of the authors of the 1947 Constitution. Accordingly, U Nu's democratic government recognised Rohingyas as an indigenous race of Burma. Their language was aired from the state run BBS (Burma Broadcasting Service) from 1961 to 1965. U Soe Shwe Thaike, the first President of the Union of Burma also told, while he was in the highest office, that "Rohingya is an indig-

enous race as he himself (a Shan) and there is no different between Rohingya and Shan in the case of nationality."

After the military coup in 1962, it became difficult for the children of recognised citizens to have citizenship cards. In 1974 a new constitution was introduced to enshrine one party rule. When nearly 300,000 Rohingyas fled to Bangladesh in 1977-78, the dictator of Burma U Ne Win's government branded that they were all illegal immigrants. Ironically they were accepted back in 1979 as the citizens of Burma.

In 1982 a new Citizenship Law was promulgated which was deliberately targeted at the Rohingyas yet it was not fully applied.

In 1989 all residents of Burma had to apply for new citizenship Scrutiny Cards. The Rohingyas have applied for it. But no cards are issued to Rohingyas. Only those Rohingyas who were successful businessmen or professionals or lackeys of the SLORC were able to get the new pink coloured citizenship Scrutiny Cards.

International Law and the 1982 Citizenship Act

"The 1982 Citizenship Law should be revised or amended to abolish its over burdensome requirements for citizens in a manner which has discriminatory effects on racial or ethnic minorities particularly the Rakhine Muslims. It should be brought in line with the principles embodied in the convention on the Reduction of Statelessness of 30 August 1961," Prof. Yozu Yokota reported to the United Nations.

Burma's citizenship law violates several fundamental principles of international common law and leaves Rohingyas exposed to no legal protection of their rights. Nationality is the

principal link between the individual and law. People invoke the protection of the state by virtue of their nationality. As well as being denied specific rights in Burma such as the rights to freedom of movement (a new great wall is erected for the Rohingyas of Burma barring them to move), the right to education, the right to own property and so on, by being denied citizenship, Rohingyas are also denied recourse to the law in any situation including international law. Since citizenship is thus essential for the protection of all rights, international norms have been developed that impose an obligation on states to grant citizenship to stateless people who are not recognised as citizens of any other state. The International Covenant of Civil and Political Rights (ICCPR) address this issue in Article 24(3) which states, "Every child has the right to acquire a nationality." The 1961 Convention on the Reduction of statelessness goes further by obliging the state in which a person is not to grant nationality under certain circumstances. Article 1 states, "A contracting state shall grant its nationality to a person born in its territory who would otherwise be stateless."

Burma is not a party to either ICCPR or the Convention on Statelessness, but the cited provisions do reflect a clear in international law that Burma should follow. In the case of the Convention on the Rights of the Child (CRC), Burma did accede in 1991 and is therefore Legally obliged to respect its provisions. Article 7 of the CRC states: "The child shall be registered immediately after birth and shall have the right to a name, the right to acquire a nationality ... States parties shall ensure implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless." This means that in the case of

children who would otherwise be stateless, Burma is obliged to grant them citizenship. The country with the primary responsibility to provide a nationality is the one where the person has lived for more years or generations than anywhere else, where he or she at one time enjoyed legal status, settled and was given reasonable expectation of being a citizen.

Under this standard, the 1982 Burma's citizenship act clearly violates international norms by placing an excessive burden of proof on the applicant. Section 8 (b) of the act permits the state to arbitrarily revoke the citizenship of anyone "except a citizen by birth." In contravention of Article 15 of the Universal Declaration of Human Rights, which states, "No one shall be arbitrarily deprived of his nationality."

The 1982 Act is even more objectionable in so far as it was promulgated to deliberately denying citizenship to persons who had previously been recognized as citizens.

While in practice the law is often not actively applied, as can be seen by the fact that Rohingyas were permitted to vote and to contest in the 1990 General Election a right given only to citizens the fact remains that the law discriminates against Rohingyas though they are the people of the soil since over a thousand years back.

In the opinion of Sweden's eminent security expert, Earling Bijol, "The Rim States' problem is the problem of Pilot fish - how to keep close to the shark without being eaten" Now the condition of Rohingyas is like that harmless and small but wily pilot fish.

In front of every immigration office throughout Burma, there is a large signboard, which reads in Burmese "The earth can-

not swallow a nation but a nation can swallow another nation."

Although it is an eye catching slogan of the regime since 1962 cautioning the ethnic races of the danger of aliens presence, in practice the regime itself has been annihilating all the ethnic races in a systematic and planned ways. Even the Rakhine have not been spared. Program aiming at depopulating ethnic Christian Karen, Muslim Rohingyas has been actively oppressed and also driving out Muslims from Arakan, Karen and Mon States.

According to 1982 Citizenship Act., there are three types of citizens. This leads to the picture that there are actually stateless children in Burma even those who have been born in Burma and live there with their parents who have been born in Burma.

Someone grows up in the country where he was born, though he has prove a very technical letter of a certain year of his record of eight great grand parents, a Rohingya grows up with the feeling that he will not be able to achieve the maximum due to religious and racial discrimination. This means that his development is restricted, is harmed. His identity, sense of identity, sense of potential is damaged. Their right to grow into full citizen is damaged due to the fact that they profess Islam. The Impact on the children that they will not be able to grow to reach their full potential is infringement on the possession of the right of the child.

The question of whether the conditions of nationality established by a state under their jurisdiction are in conformity with the convention or not are of concern to the international community. And there is one condition saying that every child under the jurisdiction of the state has the right to a nationality, so

all possible risks of losing or not acquiring a nationality is a problem, is an international concern.

There is a system of identity cards. They have to prove a number of conditions. There are two elements of discrimination in that identity card, which are the reference to region and the reference to ethnic origin. When the identity card includes these elements it must pave the way to stigmatisation and to discrimination.

The Rohingya returnees having been refugees have had problems to establish their right to stay in the country, to be recognised as citizens of the country and among them is a number of children.

Article 13 of the Convention which says that in those states in which ethnic religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such minority or who is indigenous shall not be denied the right in community with other members of his or her group to enjoy his or her own culture to progress and practice his or her own religion or to use his or her own language.

Chapter-7

The Quest for Freedom

The quest for democracy and civil society is an integral part of the liberation and self-determination, which began in the first half of the century. The basic proposition governing democracy and civil society is the idea of the dignity of man. That idea took a long time to grow.

Shakespeare in *Hamlet* expressed the idea of the dignity of man: "What a piece of work is a man! How noble in reason! How infinite in faculty! In form, in moving, how express and admirable! In action how like an angel in apprehension how like a god! The beauty of the world! The paragon of animals!"

There can be no dignity in poverty, sickness, deprivation, illiteracy, and ignorance. Democracy is not a luxury that Asians cannot afford. Man's capacity for justice makes democracy possible, but man inclination to injustice makes democracy necessary. In resisting democracy, some would argue that the people are not sophisticated enough to practice democracy. To this Dr. Sun Yatsen replied, earlier in 20th Century, "Alas! This is like telling a child that he cannot go to school because he is illiterate."

General Ne Win overthrew the popular elected democratic government of U Nu on March 2, 1962 in a coup. All powers of the state legislative, executive and judiciary were under the control of "Revolutionary Council" (RC), which was formed with top military officers headed by him. Habeas corpus and all the writs were suspended. The reason of the coup given by Ne Win were inefficiency of the political government to solve the outstanding issue of federalism, a faulty economy and bu-

reaucratic and exploitative system of government among others.

The military regime quickly launched one party political system and established Burma Socialist Programme Party (BSPP) with its whimsical ideology of "Burmese way to socialism" an ambiguous amalgam of both socialist and Buddhists views. This is in fact an added device to black mail the principle of "Unity and Diversity promised to nationalities at the time of independence movement. All of the top executives were the army officers and BSPP stalwarts. This military hierarchy was backing the BSPP government while they themselves were making fortune at the cost of the suffering millions. Attempts had been made to delude the people with a false heaven on earth in order to establish one party military dictatorship. Rights and freedom of the people particularly the country's ethnic minorities were seriously denied.

At the same time all other political parties had been banned and the BSPP established its branches all over the country. In Arakan, only Arakanese Buddhists (Rakhine) were included to the new political party.. Moreover party membership had been confined to non-Muslims only.

In February 1963, the Revolutionary Council regime nationalised entire banks and business enterprises all over the country. In Arakan all business establishments, big or small ranging from grocery and rice shops to big departmental stores were nationalised.

Directions were sent by the Revolutionary Council to Arakan division authorities to restrict the movement of the Muslims. (Thus began a new area of racial discrimination in post independent Burma). The Muslims of Arakan are not allowed to travel to Rangoon. They are not allowed to get a government

job. Muslims in police department posted at Maungdaw and Buthidaung were either transferred to fur-flung corners of Burma or expelled. Other high-ranking officials were forced to retire or dismissed or suspended. Besides, appointment of those Rohingyas who were earlier selected for judicial services and civil services were withheld without giving any reason. All other services excepting clerical post and lower grade school teachers in government were filled up by either Burmans or Rakhines including recently migrated Rakhines from East Pakistan.

Ne Win then started taking action against the Rohingya Muslims of Arakan. While talking to newsmen, he used sarcastic language against Rohingyas and incited that the Arakanese Buddhists should take appropriate steps against these kalas. The state controlled media began attacking Rohingya Muslims branding them as foreigners. Before the coup there were 30 newspapers in Burma published in eight different languages. Now there are only a few controlled by the government.

On the evening of 7 July 1962, in the Rangoon University campus the regime carried out a shooting spree where hundreds of students were indiscriminately gunned down while scores of others were detained. It was simply because the students of the Rangoon University raised a protest against some rules and regulations imposed upon them by the junta. After the shooting the campus was cleared up, the dead and the wounded were carried away, and at midnight the historic Student Union Building where the seed of Burma's independence movement was first planted, was dynamited and bulldozed. The massacre on the campus prompted hundreds of students to join underground insurgent groups.

In 1964, the Revolutionary Council abolished the special Mayu

frontier Administration and put the area again within the jurisdiction of Akyab District under the Home Ministry and the Rohingya Language Programme relayed from the Burma Broadcasting Services (BBS), Rangoon was cancelled in October 1965. All socio-cultural organisations viz. United Rohingya Organisation founded in 1956, Rohingya Student Association founded in 1955, Rohingya Youth Organisation, Rangoon University Rohingya Students Association, Rohingya Jamaitul Ulema, Arakanese Muslim Association and Arakanese Muslims Youth Organisation have been banned since 1964.

On May 1964, the BSPP government demonetised currency notes of kyats 50 and 100. Under the initial term of swap sums, up to a value of 500 were to be exchanged. Above that sum only 50% refund was allowed while the saver's source of finance were investigated, taxed and in some cases confiscated. Later the regime changed the terms of the currency swap limiting refund to 25%. Thus the Rohingya received a great financial shock and many businessmen went bankrupt.

Following nationalisation of the shops, demonetisations and imposition of restriction on movements; the backbone of economy of the Rohingya began to cripple. The Rakhines were given chance to make easy profits by drawing consumer goods from "People's shops" at cheap price only to sell them in the black market with lucrative profit. Except a few service holders, no Muslim were entitled to draw the nation quota from the "People's Shop" whereas it is open to all Buddhists. Due to restriction, the Buddhist now carried out businesses of Rohingyas only. In cross border trade some Muslims who yet continue business have to give lion shares to their Buddhists sleeping partners in order to enable them to continue their business smoothly. Many poor Rakhine had turned rich over night at the expense of the Muslims while other ethnic races were

reeling in acute poverty. In Arakan, as elsewhere in Burma, the BSPP was the de facto administrative authority and the Rakhines being the sole members of the BSPP in Arakan, enjoy rights and freedom. Thus the Rohingyas were amidst the double-edged sword during the reign of BSPP.

Use of violence was an instrument of state policy. The Rohingyas of Arakan have been made targets of genocide, oppression, repression and the regime enacted many black laws for Rohingyas on flagrant violation of the international norms. Thousands indigenous people were rendered homeless.

As the power abuse went on in full swing, arrest of prominent Muslims, in the dead of night without warrant and subjecting them to torture and releasing them after extorting huge sum of money had become the order of the day. Law enforcing agencies and judges were clearly instructed to harass the Muslims and deny justice.

In 1967 bulk of the rice produced in Arakan was carried away to Rangoon causing rice shortage in Arakan and many people had died of starvation. Continuous hunger provoked anger among the people of Arakan and a riot erupted which was crushed down by deploying army at the scene who gunned down many on the spot. Persons seriously injured but still alive were said to have been dumped in mass graves in unknown places of Akyab.

Apart from physical torture, molestation of women folk and extortion of money, many innocent Rohingyas were subjected to imprisonment with fabricated charges. The military regime carried out the so called "Immigration inquiry Operation" with a combined force of well armed security forces and immigration officials. In order to have a maximum result, most of the officials deputed for the combing operation were Rakhine mi-

grated to Burma in the past.

Since 1962 Rohingyas were not issued with National Registration Cards (NRC) and those earlier given were taken back by the authorities. Paper showing the list of household or family members were also denied to Rohingyas. Article 7 of the Convention on the Rights of the Child (CRC), states: "the child shall have the right to a name, the right to acquire a nationality ..." But the junta denied this right to Rohingya children despite Burma being a signatory party of that convention.

The BSPP started to drive out Rohingyas from the towns of Kyauktaw, Mrohaung, Pauktaw, Myebon, Minbya etc. and they were forced to board on boats bound for Buthidaung Township. The authorities confiscated all their immovable properties. The internal refugees had passed their days under open sky in Maungdaw and Buthidaung.

In the post-independent period when the disgruntled Rohingyas took up arms, they were hook inked into surrendering their arms with the false promises of granting all the political rights and treating them at par with all other nationalities. No sooner the Rohingya fulfilled their part of promise the BSPP authorities, overtly backed out from their solemn promise the Rohingya had always been treacherously duped.

Since the regime was fast moving towards Burmanisation of ethnic races in the country, it opened a chapter against Islam. Thus the junta practiced all necessary measures to de-Islamise the Muslims. As a result of this many Muslims, male and female are found today practicing Buddhist culture and many of them even converted into Buddhism. The process of Burman hegemony has been promoted through assimilation of all ethnic communities, by way of Burmanisation, Buddhization, and the so-called Burmese way to Socialism. But the stumbling

block in their way in Arakan has been the existence of the compact Rohingya Community inhabiting enbloc in this strategic frontier still retaining their strict socio-cultural entity. Thus, the BSPP adopted the policy of exterminating the Rohingyas in a systematic and planned way through various schemes and designs.

In British era, the Burmese language was recognised as a national and the English as an official language. The national identity, ethnic entity and character of other non-Burmese nationalities were thus neglected. This resulted the Burma becoming the "big nation" or "Prime nation" and dragging the others to be "Sub-nations."

Realising the odious intention of Burmese leaders, the Kachin students of the Rangoon and Mandalay Universities and other institutions decided to go underground in 1961 to form KIA. Again the event of 1962 coup, which ended the democratic government in Burma and was replaced it with autocratic Burmese way to socialism further showed the dark future of ethnic minorities as well as general population. Military intolerance to public exasperation and students uprising of 1962 and brutal dealing on 7th July gave rise to underground parties from ethnic minorities mostly led by the students from universities and colleges. History testifies that many Shan, Karen, Chin, Rakhine and Rohingya were among those who joined their respective underground movement as the military rule in Burma was clearly seen as a stumbling block in achieving their noble cause.

Chapter-8

Refugee Exodus of 1978

Ukhia (Cox's Bazar), May 12, 1978: "Some rare drops of tear trickled down the tanned checks of a BDR Jawan as he went to describe the hellish situation in which Burmese refugees were allowed to cross into Bangladesh", reports BSS.

"It happened at a border outpost near Teknaf yesterday when BSS correspondent asked him why they had allowed illegal trespassing of Bangladesh border by Burmese nationals. Seemingly every shocked, the Jawan told that initially they tried to push back the evictees beyond the border. But after a couple of days "We saw thousands of panic-stricken people, severely tortured, wrathful and evicted by the racist Burmese authorities gathered on the other side of Bangladesh border" he said with a voice full of indignation.

We heard frequent gun-shots, saw sky reaching flames inside Burmese territory, heard heart-breaking cries of men, women and children who were running for safety towards Bangladesh." Besides, we saw many people wounded by Burmese gunners, pale in pain but still struggling for survival, the Jawan said. What should they do when thousands of "human" the true member of the human being were dying in front of their eyes.

"A deep sense of humanity and brotherhood quelled all questions and let aside all about legitimacy of action and code of law he added in a soaked voice, his eye balls danced in anger but tears still rolled down.

In order to prepare the justification for a large scale eviction of

these Muslims from Arakan, the state controlled Burmese press began to publish articles and news despatches in 1977-78 alleging the Rohingyas as the illegal Bangladeshi immigrants. There after, Burmese authorities launched a combined operation of army; police, Luntin and immigration personnel code named "Naga Min Operation" (The King Dragon Operation). Teams of officials accompanied by police and army visited homesteads ostensibly to weed out illegal residents. Soon reports began to trickle out from the area that these teams were engaged in pressure tactics to make whole families leave the land of their ancestors for Bangladesh.

Terrified by the ruthlessness of the operation and total uncertainty of the security of their life, property, honour and dignity large number of Muslims started leaving their homes and trudged across hill areas, rivers, creeks, valleys, and dales towards Bangladesh. On their way they were robbed. Many were drowned. As soon as they left their homes, the local Rakhine started pillaging their houses, sometimes putting them on fire and carried away their cattle.

Within a few months the number of refugees was nearly 300,000.

The Murdering Madness of "Burmanisation"

The plights of the refugees from Burma continue to get wide coverage in the leading newspapers of France according to delayed reports received in Dacca, Bangladesh.

"The prestigious, French Weekly, *Le Nouvel Observateur*, in its issue of May 19, 1978 carried a story from its correspondent, Francois Hauter, under the caption, "Massacre in Burma". The article gave most vivid details of the massacre perpetrated

by the Burmese army on the refugees. Francois Hauter, in his article, wrote that on April 23, when he was in refugee camp at TAMPRU on the Burmese side, "thirty Burmese soldiers appeared at the top of the hill which overlook the camp. Every thing happened very fast. They loaded their machine guns, opened fire and aimed into the crowd. The refugee is flung themselves towards the rivers those who fell were trampled. Some who carried invalids sunk into the mud." The article continued.. "Men, women children and old people crossed the river in chaos. This time the Bengali soldiers shocked by the massacre they had just witnessed gave up trying to turn them away. Next to me, an old man, hit by four bullets, would be in agony for twelve hours. Near him, another wounded his right knee in pieces. One stops the flow of blood with leaves. More then one hundreds were dead. Impossible to establish the number of wounded. The refugees group together again, was pressing close against each other by thousands."

"Commenting on the plights of Rohingya, Francois Hauter continued: "The Rohingyas of the Arakan province have had for the past several months lived on the throes of a genocide that has no equal except in Cambodia." (The Bangladesh Times, Monday, June 5, 1978).

Repatriation Agreement

A bilateral agreement was signed between the governments of Burma and Bangladesh without the representation of refugees. And 200,000 people returned home while 40,000 died in refugee camps according to UNHCR reports and the rest diffused into Bangladesh society or left for the Middle East countries. Unfortunately the contents of the bilateral agreement were not made public leaving the Rohingyas in total uncertainty of their

future in Burma.

"In this connection I may recall that the Rohingya Muslim also were forced to leave their hearths and homes once before in 1978, when 300,000 of them took shelter in Bangladesh more than 200,000 of those people were ultimately taken back by the Burmese Government by the end of 1979 while the rest of refugees went to Saudi Arabia and Pakistan and some other countries. In fact the repatriation arrangements were made under my supervision as Minister for Home Affair of late President Ziaur Rahman's Government" Foreign Minister Mr. A.S.M. Mostafizur Rahman's speeches in the Jatiya Sangsad (Parliament of Bangladesh) and Yale University, U.S.A, on 15th January 1992 and 26 September 1992 respectively.

In the words of Prof. Mohammed Shamsul Huq, the then Foreign Minister of Bangladesh, the sudden influx of refugees into Bangladesh in huge numbers created an enormous problem for the Bangladesh Government in term of providing (a) accommodation, (b) food (c) water and (d) sanitation. Besides the resource constraints, the most serious difficulty faced by Bangladesh initially was the lack of experience in coping with 300,000 refugees. Even after external assistance in cash and kind started coming, the management of as many as 13 camps was colossal operation.

The Government of Bangladesh felt that the sooner the refugees could be repatriated to their respective homes in Burma, the better it would be for all concerned. Efforts were intensified at various levels for speedy implementation of the agreement signed between Bangladesh and Burma on 9 July 1978, that is, within three months from the beginning of the exodus of Burmese refugees to Bangladesh and while the exodus was

still continuing. By 29 December 1979, the repatriation operation was virtually completed. (Mohammed Shamsul Huq, Bangladesh in International politics).

The situation was exacerbated by the lack of development projects and planning to integrate the refugees who returned in 1978 and 1979, many of them remain land-less and without documentation. Throughout the period of military rule there was efforts to assimilate the Rohingyas and access to the Burmese education system was very limited. A clear indication of the neglect of northern Arakan is found in health surveys conducted by UNICEF and UNHCR since 1993. In an 1994 August report published by UNHCR called "Report on Health related issues Project Area (Arakan State): it was found that Buthidung and Maungdaw had the lowest ratio of hospital bed per 10,000 inhabitants in Burma (1.1 and 1.2 respectively, compared to an average in Arakan State of 2.99 bed per 10,000 people and a national average 6.57). The same report also found that the number of rural health centres per head was also dramatically less than in other parts of Burma, in fact in Maungdaw it was half the national average. Unsurprisingly infant mortality rates were also the highest in Burma at 114 and 213 deaths per 1,000 births for Maungdaw and Buthidaung respectively.

Chapter-9

The Rohingya Refugee Problem 'Rohingya - the Scapegoat of the Junta'

On 8 June 1988, Aung Gyi, the former Brigadier General who had written the open letter to Ne Win about the economic crisis in Burma in July 1987, wrote another open letter to the old strongman. Aung Gyi estimated that 282 people had been slaughtered in March. A large number had died at "The white Bridge" but many were students and Muslims who had been rounded up on the 18th. Most of the Muslims died after being beaten in notorious Insein Jail and a controversy arose when relatives found out that they had been cremated in contravention of Islamic Laws and Muslim belief.

In 1967, the authorities managed to divert attention from internal, social and economic woes by instigating attacks on the Chinese community in Rangoon. For reasons, which seemed very similar, there were widespread anti-Muslim riots in Moulmein, Martaban and some other towns in the Irrwaddy delta region south west of Rangoon in June and July 1984 when there were new shortages of goods and local prices went up. Mobs stormed Muslims living quarters, looted houses and shops and burnt down a number of Mosques. The Muslims became convenient scapegoats once again.

During the first wave of anti-government demonstration in March 1988, hundreds of Muslims had been rounded up and sent away to Insein Jail. The majority of them were ordinary innocent people who had been caught up in the turbulent events of 18th March.

When the meeting at the main campus of Rangoon University began again in June, nearly all the leaflets, which were distributed, had been hand-written. A notable exception was a stencilled series of leaflets, attacking the Muslims and purportedly issued by "Nationalistic Buddhists of Burma." The leaflets warned that an organised gang of Indian Muslims in our native lands "was planning to seduce Buddhist Burmese women in order to produce more Muslims." "The nationalistic Buddhists" claimed that they had discovered a secret document, signed by "Muslim League", which promised a monthly allowance of Kyat 1000 to any Muslim who could make a Buddhist woman pregnant. If the woman in question was a university graduate, the allowances would be Kyat 2000 and a record reward of Kyat 50,000 was promised for daughters of army officers. The leaflets exhorted the public to boycott Muslim shops and the final slogan was "All Muslims leave our country." It was all nonsense, the army created it to divert the public attention from them by making Muslims scapegoats.

Communal frictions were expected in the beginning of July when the Muslims were about to celebrate Eidul Adhah. The US Embassy in Rangoon even issued statement warning its nationals not to travel up-country during the time. The Muslims feared that the authorities might try to stir up communal troubles. So they refrained from doing any Kurbani or animal scarifies in 1988.

While the situation remained calm in the capital, communal unrest soon broke out in some provincial towns. The government agent so called MIS dismantled the only Mosque of Taungup Township in Arakan state. All the Muslim were driven out of the town. Then a violent attack was made against the Muslims of Tanng Gyi, the capital of Shan state. The MIS

agents slaughtered the Imam and Muezzin of the Mosque. All the shops belonging to Muslims were looted and destroyed. All the Muslims had left the town. A few days later, communal violence took place in Prome, a city 290 km north of Rangoon. Muslims homes and shops were attacked, looted and burnt down.

In July 1990, shortly after the election, the SLORC announced that the elected representatives would be forming not a parliament but a National Convention, which would write a new constitution under which new elections would be held. (SLORC Announcement No. 1/90 July 1990) The Convention was not convened until January 1993 and is still deliberating though with only a handful of elected representatives out of a total of about 800 members. The rest were appointed by the SLORC to intensify military rule in Burma. The government's failure to hand over state power provoked demonstrations by students and monks towards the end of 1990, and even political prisoners in Insein Jail went on hunger strike in protest. In response to these demonstrations the military in Mandalay killed two monks and a student. In Insein Jail the hunger strikers were tortured and later the leaders were moved to prison labour camps far from their homes, making family visits almost impossible. The government needed a scapegoat, a distraction and common enemy to unite a disillusioned and angry populace. They chose the Rohingyas.

On 21 December 1991, the Burmese forces crossed the international boundary, attacked a Bangladesh border out post, killed some soldiers and carried away all arms and ammunition. As the tension mounted along the border following the unprovoked attack the SLORC regime geared up barbarous atrocities upon the Rohingya Muslims by uprooting their villages, levelling

down Mosques and Islamic religious schools, including in mass arrest, beating, torture, killing, gang rape, slave labour, total restriction of movement and forcible eviction. Both the countries massed troops along the border creating a war like situation. At the start of 1991, Burmese government increased the numbers of army deployed in northern Arakan. Before the rain started, in May 1991, some 10,000 refugees had already arrived in Bangladesh. While some had been arrested, other went into hiding in towns or living in villages. At the end of the rainy season in November 1991, the trickle became a flood and by March 1992 there were over 270,000 refugees scattered in camps along the Cox's Bazar - Teknaf road in Bangladesh. The refugees told harrowing tales of summary executions, rape and other forms of torture, which they had witnessed or personally endured at the hands of military. In most cases, the abuses took place in the context of forced labour. The Rohingyas were being forced to work as porters, build new army barracks, new roads and bridges, dig fish and prawn ponds and cut bamboo for the military.

Predictably, the SLORC first denied there were any problems in Arakan State at all, then claimed that all those who were leaving were illegal Bangladeshi who had come to find seasonal work in Burma and now that the work was finished, they were returning homes. They also consistently denied the scale of the problem, saying in February 1992 that only 4000 people had left Burma at a time when the Bangladesh authorities and aid workers in the area were counting over 250,000 arrivals.

However, none of these reasons justified the military building in Maungdaw and Buthidaung and for this the SLORC gave another reason: Rohingya insurgents. These insurgents they claimed were stirring up the local population and making them

leave and then telling lies to the international press in order to encourage Muslim countries to support the rebels.

In 1992, Human Rights Watch (Asia) found that SLORC had embarked upon a policy of "ridding the country of ethnic Rohingyas by any possible means." Many of the refugees, for instance, claimed that military personnel ordered the Rohingyas to go home (Bangladesh) and confiscated their Burmese national Identity Cards. Similarly the military expropriated the land, houses and livestock of Rohingyas and distributed them to non-Muslim Rakhine. This practice still continues.

Refugees are recognised by the international community as being worthy of and when necessary, entitled to, protection from the causes of their plight. Consequently, States are at a minimum, obligated and obliged to respect the principle of non refoulment or non rejection; that is states are constrained from forcing back refugees to a country where their life or freedom would be threatened. Similarly, states are obligated to ensure that the fundamental human rights of refugees and asylum seekers are respected.

At the beginning of the Rohingya exodus, the Bangladesh government allowed the refugees to seek temporary asylum in Bangladesh, though it opposed the involvement of UNHCR and NGOs. For a short time, Bangladeshi public opinion was largely sympathetic to the Rohingyas plight-but both the public and the government's attitude quickly changed. In December 1991, a Bangladeshi paper quoted a government official as saying, "Our hands are already full with many issues. We don't like to have a new problem. The sooner we get rid of the Rohingya refugee problem the better." In mid February 1992, Bangladesh allowed UNHCR to assume formal role in the re-

lief operation as a result of deteriorating health conditions in the camps and increasing international pressure.

On April 28, 1992, the Bangladesh government and the SLORC signed a Memorandum of Understanding (MOU) under which Burma agreed to accept the return of those refugees who could establish bonafide evidence of their residence in Burma. The agreement lacked mechanism for monitoring the safety of returnees. UNHCR's role in the process was not clearly delineated. The MOU did not mention any role for UNHCR in Burma. At that time refugees were still arriving in Bangladesh at the rate of about 1500 per day.

On September 22, 1992 the first repatriation took place. UNHCR was notified only after the repatriation has taken place. Prior to and following the repatriations, the refugees held large protest demonstration. They demanded a halt to the repatriations saying that they were involuntary, and that the refugees were not in favour of returning to Burma. In the course of these demonstrations, 15 refugees were killed and hundred of others wounded; 119 refugees were arrested. Bangladesh subsequently blocked UNHCR's and private relief groups' access to the camps.

On October 8, 1992, UNHCR and Bangladesh agreed that UNHCR would play a role in verifying the voluntary nature of the return movements. According to a UNHCR situation report, 84 percent of the repatriations in November and December 1992 occurred without UNHCR supervision. Bangladesh authorities responded by beating and arresting refugees prompted UNHCR to withdraw from the repatriation program on December 22, 1992.

On 23 December 1992, the UNHCR in a statement in Geneva accused the Bangladesh government of forcing Rohingya refugees to return to their homeland. The UNHCR has been denied free and unhindered access to the refugee camps and it is therefore unable to carry out its protection and adding that Prof. Sadako Ogata was "deeply concerned about the deterioration in security in the camps including beating, violence, demonstration, indiscriminate police firing and other incidents that have resulted in loss of lives." Now the refugees are eyesores of the host nation. The Leaders of the refugees are arrested by branding them terrorists.

Over two thousand refugees were arrested for their refusal to go back to Arakan when the situation inside Arakan was more than worse. The Bangladesh government was keen for better friendship with Burmese military junta at the cost of Rohingya refugees. They are faithfully using the name of Burma as Myanmar though it is rarely used in other countries.

United States on 24 December 1992 condemned the Bangladesh government for what it said was forcing the Rohingya refugee to go back to their homeland and accused the Bangladesh government of refusing UNHCR an effective role in protecting the refugees. The US government claimed to have received "credible reports" indicating that the Bangladesh was coercing Rohingya refugees to return to Burma and that the government of Bangladesh was denying the UNHCR staff free access to the Rohingya refugee camps, thereby preventing the UNHCR from fulfilling its international mandate to protect refugees.

The statement, made by spokesman Richard Boucher went on to say, "United States government calls upon the government

of Bangladesh to restrain from coerced repatriation and to negotiate with the UNHCR as soon as possible for an effective protection role for the UNHCR."

To underscore Dhaka's determination Foreign Secretary Riaz Rahman told envoys from different countries that the voluntary repatriation of the refugees would continue even without the presence of UNHCR. He described the statements from the US government and the UNHCR Chief Sadako Ogata as "UN called for" for which, in diplomatic parlance, means interference in a country's internal affairs. He was also annoyed for the US government was not condemning the Burmese government who actually was refusing the UNHCR's involvement at that time.

British Home Secretary Kenneth Clarke on arrival in Dhaka on 29 December 1992 said, "Britain wants Burma to let the UNHCR supervise the operation process. We want Burma to agree to it. We hope Bangladesh is with us that Burma accepts that UNHCR supervision. We all want to see the refugees to go back safely."

Clarke's message was that there was strong western impression that Dhaka was not doing enough to force Burma into the acceptance of UNHCR to monitor refugee rehabilitation in Arakan, from where they had fled nearly 2 years ago to escape rape, torture, arrest, forced unpaid labour, and forfeiture of properties and farmlands.

All those Rohingya businessmen illegally arrested by the SLORC during the so-called "Phyi-tha-ya Operation" (Prosperous country) were sentenced to 3 to 4 years imprisonment with hard labour without proper trial, were removed from Akyab jail to the front line of the army operation to engage in

pottering and clearing mines or road construction projects. Under the Phyi-tha-ya operation millions of dollars worth of currency and goods were confiscated illegally by the SLORC. The Phyi-tha-ya operation was one of the main causes of the 1991-92 exodus of Rohingya to Bangladesh. In early February 1992, the Lun Htin forces at Purma (a village of Maungdaw north), while crossing the Naf River to Bangladesh had killed 20 refugees. To curtail it the SLORC arrested six refugees alleging that they had attempted to loot arms from Lun Htin. Actually, Lun Htin had looted their belongings. One Mr. Mohammed Eliyas, writer U Thaw Ka and U Maung Ko, all NLD leaders were beaten to death while in custody. One Rohingya parliament member, Mr. Fazal Ahmed was arrested and beaten nearly to death and jailed for five years. U Ba Maung alias Nurul Amin ex-chairman of Kayandan village was sent to life imprisonment together with other seven of the same village for alleged murder of a Burmese police sergeant. Eight persons from Godora village of Maungdaw norths were sentenced to death by fabricated false murder charge. Actually some Rakhine in revenge committed the murder to their old quarrel with some Chakmas who were murdered by them. 16 persons including two Molvies from the Quansarabil Village of Maungdaw Township were put in jail cell since 1988 democracy uprising, charged with assaulting to the police. Rohingya elders were being arrested and hunted down on false and imaginary charges. Many Muslim elite had gone into hiding to escape the persecutions.

The Na-Sa-Ka personnel take the law in their own hands and indulge in every kind of atrocities towards the Rohingyas. They are empowered to do whatever they like for the cleansing of Rohingyas from the surface of Arakan. They also even exer-

cise the judicial powers. Cases cannot be decided without reference to the chief of the Na-Sa-Ka.

In late January 1993, Dhaka suspended the repatriation program, saying it would discuss the program in future with UNHCR. Shortly thereafter, UNHCR agreed to take part again in the repatriation process. During the next few months, the rate of repatriation declined significantly. Dhaka reportedly continued pressuring refugees to be repatriated. Such pressure included threats of imprisonment for minor violation of camp rules; imprisonment could be avoided by volunteering to repatriate. The government did, however release several hundred detained refugees, and stopped blocking NGO's from carrying out their relief activities. Never the less, tension between refugees and local people remained high. The local people began to hate them.

In late April, the police clashed with demonstrations protesting against the Rohingya's continued presence in Bangladesh; 26 local people were injured. On May 12, 1993, Bangladesh and UNHCR signed a Memorandum of Understanding setting forth the criteria and modalities for the repatriation of the Rohingya refugees. According to the MOU, Bangladesh was to remove refugees identified as volunteers to one of several transit camps where UNHCR was to conduct independent interview" with prospective returnees for "certifying the voluntary nature of the repatriation." The MOU also granted UNHCR full daytime access to the refugee camps and transit centres.

But repatriation continued through repeated beating of refugees. When refugees told UNHCR that they were not willing to return to Burma, Bangladesh officials kept them in the Transit camps and forced to live in substandard conditions. Fifty fami-

lies were living under open-sky after saying no at UNHCR interview. Another means of coercing refugees to return and preventing organised dissent was through the broad powers of arrest that camp officials enjoyed. For example, 119 refugees arrested for taking part in the demonstration in September 1992 remained in Jail for more than eighteen months. They had been singled out, arrested and sentenced to jail for acting as spokespersons for the refugees. Despite the problems in the camps, most refugees opted to remain in Bangladesh and face the human rights abuse in the camps rather than return to a far more uncertain fate in Burma.

"The Agreement between Burma and UNHCR"

An agreement between Burma and UNHCR was finally signed on November 5, 1993. By then over 50,000 refugees had been repatriated under the bilateral agreement. While some had been repatriated through UNHCR procedures of individual interviews with the right not to be returned if they had valid reason to fear persecution in Burma, the vast majority were forcibly returned with no UNHCR supervision. After the agreement was signed there was a delay of four months before UNHCR stationed 4 staff in Rangoon and February 1994 senior UNHCR official including Werner Blatter, the Asia and Pacific Director went to Burma, and returned to tell NGOs in Bangladesh that the situation had considerably improved. UNHCR survey revealed that only 27% of the refugees wanted to return. The slow rate of the repatriation angered the Bangladesh government, which was increasingly eager to see the refugees go back as their presence had caused considerable unrest locally and national elections were due. Bangladesh accused the UNHCR of holding up the repatriation and threatened not renew their MOU.

Burmese officials like many other governments considered acceptance of a UNHCR presence to be an admission of guilt. The only UN access, which had been granted, was a mission in December 1992 by the UN Special Rapporteur on Burma and he had to rely on government translators when speaking to individuals. In the end, it was international pressure, notably from China and Malaysia that persuaded the SLORC to accept a limited UNHCR presence.

A massive cyclone hit the region on May 2 and 3, 1994 killing some 200 people in Bangladesh and leaving 10,000 refugees without shelter. Four days before this, many bombs exploded in the centre of Maungdaw town. Suspected RSO (Rohingya Solidarity Organisation) sympathizers were taken later at night from their homes for questioning. Almost all were tortured and killed. The UNHCR made no mention of the bomb attack, arrest and killings in any of its public information, something it would normally do when events impede or otherwise effect its operations.

From May 1994, north Arakan had become a new killing field with the presence of UNHCR. At SLORC death camps of Maungdaw and Buthidaung townships, Muslims were tortured, shot or slaughtered, more chilling is that the people were made to dig their own grave before being killed or buried alive. One Ko Ba Tun alias Noor Mohammed, son of a Police Superintendent, was arrested by the SLORC forces along with 170 Rohingyas and they all were buried after torture. By now thousand more have been gunned down or slaughtered and may have gone into hiding in Bangladesh.

SLORC forces are among the worst offenders against the international norms and humanitarian laws in recent times. Lit-

erally all of the egregious war crimes are everyday occurrences in the course of the SLORC was against the ethnic groups. Violence occurs against innocent persons and prisoners taken in combat surrendered personnel and the civilian population alike. For example, surrendered RSO Commander Shabbir and 22 of his followrs were buried alive in violation of the Geneva Convention and customary humanitarian law. UNHCR never mentioned about the surrender of Shabbir with his men though physical presence of UNHCR was widely reported.

As far as the repatriation was concerned the effects of the bombs were immediately forgotten when the cyclone struck. In Bangladesh all the refugee camps were devastated, leaving half of the refugees without any shelter. The repatriation resumed in June and the UNHCR conducted a survey of refugees in one camp, Kutupalong and found only one fourth wanted to return. Three refugees were beaten to the point of hospitalisation for anti-repatriation activities. A second round of interviews in the same camp found 97 percent were willing to return.

On 24 July 1994, the SLORC troops had uprooted the Rohingya village of Nalapara in Minbya Township. About 2000 Muslims of the village were brought to Ngakura village of Maungdaw north adjacent to Nila Village of Bangladesh. More Rohingya villagers on Mrohaung, Kyauktaw, Township had been ordered to quit their villages since then. Thousands of them were herded into boat and carried to Maungdaw north and south starting a fresh drive to Bangladesh.

At the beginning of the August 1994, the UNHCR started to register all refugees for repatriation. Of the 176, 297 persons only 8903 were undecided. NGOs in Bangladesh were doubt-

ful of UNHCR's claims and felt that most of the refugees did not understand the implications of the registration, and most did not know that they were permitted, by right, to say no to the repatriation and apply for asylum. In an attempt to dispel the misgivings of the NGOs about the situation in Arakan, a team from Medicine Sans Frontiers (MSF) France and Holland visited Rangoon for the first time. They were not permitted to go to Arakan state, which did little to raise their confidence regarding safety of returnees. At the same time, in Bangladesh, camp authorities resumed coercion in the form of threats of beatings and aggressive messages relayed over loudspeakers in the camp.

NGOs expressed their concern to donor governments and the European Union sent a mission to Arakan State in October 1994. The subsequent EU report expressed concern about the difficulties of monitoring the returnees. A similar mission proposed by US State Department was rejected by the SLORC in March 1995. The repatriation had been stopped at the time because Burma had closed the border after an outbreak of bubonic plague in India.

On November 17, 1994 there was communal violence in Akyab, in which the young Rakhines attacked the houses and shops of Muslims. The attacks continued for three days and Mosques were attacked. The authorities responded only belatedly when the Rakhine surrounded the office of the vice-consul of Bangladesh and threw stones. As the local authorities did not respond to the complain the Vice-Counsel had to inform the Ambassador of Bangladesh in Rangoon who complained the matter to the SLORC. The SLORC promptly sent back the Arakan State Commander who was attending the meeting of SLORC in Rangoon to stop the riot against Muslims and Bang-

ladesh's office. At least two Muslims were killed one of them a pregnant woman and several others were wounded. This time also UNHCR failed to mention the event in its report.

Meanwhile, the UNHCR in Rangoon and in Geneva remained firm to complete the repatriation by June 1996, a clearly unrealistic dead line. In February 1995, MSF Holland conducted a survey in all camps in Bangladesh. 84% said that they were not informed by the UNHCR of their rights to say no. The repatriation from Bangladesh does appear to herald a new pragmatic approach by the UNHCR in which a speedy return is valued over the above protection concerns, often due to pressure from the host government. A document of UNHCR in 1994, notes "monitoring would be delicate as complacency could compromise our credibility while zealous orthodoxy could spoil UNHCR's chances of remaining involved in Arakan." The document went on to state, "Evidently we cannot concern ourselves with issues of human rights with our focus remaining on elements of execution."

Chapter-10

Continuing Discrimination

On the Burmese side, the SLORC having unwillingly handling the return of the refugees, appears to have decided that it would not accept more than 200,000 people. In 1978 as well, the then Burmese regime set a limit of 200,000 for acceptance leaving some 50,000 Rohingya to integrate locally in Bangladesh. Having done so, however, the current government has insisted to UNHCR officials and diplomats in Rangoon that more people were returned to Burma than actually left from Arakan state in 1978.

At the time when the agreement was made to accept the Rohingyas back into Burma, the SLORC was under considerable pressure from its Asian Muslim neighbours and from China. Accepting them back was a pragmatic move by the SLORC to try to secure membership in the Association of South-East Asian Nations (ASEAN). The Rohingya refugees were certainly not welcomed back with open arms and as the former Home Minister Mya Thinn makes it clear that the attitude of the highest authorities in the government towards Rohingyas has not changed. Those who have returned find that the worst physical abuse and the discrimination against the Rohingyas has been even further institutionalised and is now enforced by the presence of military barracks on every village tract. Muslims from other areas of Arakan state have been forcibly relocated into the northern Arakan area, while in the most prosperous areas the government has established what it calls "Model villages" populated by Rakhine and other Buddhist minority groups.

"Lt. Gen. Mya Thinn, Home Minister, recalled the Muslim population of Rakhine State were not recognised as citizen of Myanmar under the existing naturalisation regulations and they were not even registered as so called foreign residents. Consequently, the Minister added, their status situation did not permit them to travel in the country ... They are also not allowed to serve in the state positions and are barred from attending higher educational institutions quoted by Special Rapporteur Professor Yozu Yokota Feb. 1996.

Returning Rohingyas and those who did not leave Burma continue to face discrimination and persecution by the government because of their ethnicity. In a country where even recognised citizens face daily abuse of their rights the Rohingyas are doubly at risk. They are discriminated against in their ability to travel freely within the country and access to government services; health education and employment are restricted Rohingyas are vulnerable to arbitrary arrest and even killing by the Na-Sa-Ka or the military if they are suspected of being supporters of the rebels or democratic movement such as members of NLD or NDPH. For example, Maungdaw Township NLD Secretary Mohammed Eliyas (a) U Maung Nyo and Vice-President Mohammed Kaloo (a) U Win Myint were tortured to death by the Burmese Military Intelligence (MIS) and Fazal Ahmed, a parliament member of NDPH was tortured and imprisoned to 5 years. Forced labour for Rohingyas is such that often Rohingyas are left with no time to earn a living for their families. On top of this there has been a marked increase in arbitrary taxation of Rohingya families since the refugees returned to Burma.

According to statements made at the July 1994 Relief Coordination meeting by Stephano Severe, the head of the UNHCR's sub-office in Cox's Bazar, the shift to mass repatriation was

instituted, "following a determination that situation in Myanmar is conducive and congenial for the refugees to return." SLORC remains in power, and widespread and brutal human rights abuse continues.

According to the US State Department Report, "Burma Human Rights Practices", "The Burmese authorities took only limited steps to correct long standing serious human rights violations." The State Department describes forced labour conditions as "inhumane" and when coupled with the "forced resettlement of civilians resulted in hundreds of deaths due to disease, harsh treatment and over work."

The 1993 report by UN Special Rapporteur to Burma, Yozu Yokota, similarly found that "forced relocation and forced pottering has led to a systematic pattern of torture (including rape) cruel inhuman and degrading treatment, disappearance for arbitrary execution of Muslim and other by the Myanmar authorities." The December 1994 Human Rights Watch (Asia) report documents egregious human right abuses continued to be associated with the government mass forced labour projects.

These are other reasons for Rohingyas. The pre-eminent concern that the refugees expressed was that Burmese military forces would rape female returnees. In the 1994 report of Mr. Yozu Yokota stated that among other atrocities rape was being committed consistently and on a wide scale by the soldiers of the Myanmar army against innocent villagers (Particularly those belonging to ethnic minorities)." The 1994 State Department report on Burma similarly notes "a constant pattern of reports alleging rapes of ethnic minority women in border areas by Burmese soldiers.

Refugees expressed related concerns about the Burmese gov-

ernment compulsory three-month training course for Rohingyas girls conducted in Military bases. 15 to 18 years old girls were separated from their families, and kept them under the control of military forces where there was risk of possible rape and molestation.

In late December 1994, Molui Zeaul Hakim, an Imam (religious leader) was told by the village chairman that the military had instructed a number of fathers in the area to take their daughters to the military camp for vocational training. He was informed that his daughter would need to remain in a military camp for approximately 6 months for this training. As this instruction was contrary to his religious practices, he went to the camp without his daughter. He explained why he did not bring his daughter. He was brutally dealt and had his beard and head shaved off.

Many observers question UNHCR's ability to protect the returnees UNHCR has failed to ensure safety of the Rohingya in Bangladesh, despite the fact that the government of Bangladesh is heavily dependent upon foreign aid. In Burma, UNHCR has no substantive means of redressing abuses that occur, nor does UNHCR have effective means to sanction the Burmese government.

International aid to the Rohingya is disbursed largely to a SLORC agency the Immigration and Manpower Department, an agency dominated by military officials. As a consequence the Rohingya returnees find themselves dependent upon, and constantly in contact with the military that was responsible for the abuses that caused the Rohingyas to flee in the first place.

The repatriation is further flawed because the process in Arakan state is not transparent. With the exception of the 1993 visit of the Special Rapporteur, who was allowed to interview only

three returnees and only with SLORC translator, no human rights monitors have been allowed to visit to Arakan State to assess the welfare of returnees. There has been similar lack of confidence building among the refugees. Several organisations have proposed that refugees' representatives should be allowed to visit Arakan to assess the situation. However, no such provision has been made.

According to the statements made by the UN High Commissioner for Refugees, Sadako Ogata." The two main functions of UNHCR are to provide international protection to refugees and to seek durable solutions to their problems." Unfortunately those objectives have not been realised with the Rohingya Refugees, Relief Operation. The refugees have not been adequately protected and a durable solution is not likely to evolve under the present repatriation and reintegration scheme. As a consequence, the lives and welfare of three hundred thousand refugees are endangered.

The present repatriation scheme has created a situation in which the Rohingya refugees are imperilled no matter where they are. In Burma, human rights abuses continue unabated, while in Bangladesh, the Rohingyas are subjected to ill treatment and pressure to repatriate. The entire equation has created a situation in which the refugees are effectively denied full protection, the rights to seek asylum, and the right to voluntary repatriation.

In providing adequate protection and assistance, the UNHCR is constrained by the government of the country in which it operates. UNHCR's shift to mass repatriation is on its realisation that they will be better off in Burma than if they continue to stay in Bangladesh. However, returned refugees are subjected to intensify abuses in Burma where UNHCR has less

opportunity to assist them.

The return of the Rohingya is even more disquieting because the same regime that persecuted the Rohingya is now, in conjunction with UNHCR, facilitating their return. To expect that the SLORC would respect the rights of the returnees is naive. Similarly, it is unreasonable to expect any durable solution to Rohingya exodus out of the efforts of UNHCR except the removal of the Rohingya from Bangladesh.

High Commissioner Ogata has noted UNHCR's specific obligations to women in all of UNHCR's activities including protection, assistance and durable solutions. Special attention needs to be focused upon the safety and physical integrity of returning refugee women.

The UNHCR presence in Arakan cannot effectively ensure the safety of the returnees; it has been unable to protect them even in Bangladesh. Indeed it seems unlikely that any organisation could ensure the safety of the returnees, given the SLORC's record.

A UNHCR official in Dhaka told Curt Lambrecht, the author of "The return of Rohingya Refugees to Burma" in July 1994 that UNHCR cannot adequately monitor human rights abuses in Burma and that "it is very hard to see exactly what the human rights situation is." The UNHCR official added, "It is easier to come by information about abuses (that take place in Arakan) outside of Arakan." When asked about the possibility of future refugee influx into Bangladesh, the official said, "I think they will be back."

Chapter-11

The 1996 Rohingya Refugees Influx

In February and March 1996, Human Rights Watch (Asia) interviewed twenty Rohingyas who arrived in Bangladesh, at the beginning of the new influx. It was found that forced labour, lack of freedom of movement, and the "forcible disappearance" of family members were the main reasons for leaving Burma. In most of the cases the perpetrators were said to be members of a military unit, the Border Administration force known as in Burmese acronym, Na-Sa-Ka.

One 24 year old woman from Rathidaung told that she had been taken from her house by five soldiers to the nearby army camp of fifty soldiers, where she was gang raped all night before being returned to her house at dawn. This had happened for five nights before she and her husband fled, leaving their five years old son behind. Another woman from Maungdaw Township, who had come with her six children after her husband has been taken away to work as a porter over a year ago, but had not returned.

Many of the new arrivals complained of excessive forced labour. A man from northern Rathidaung said that he had been repatriated to Burma after severe beating by the Bangladeshi Officer in charge of the Dumdumia Camp in December 1993. Two weeks before he left, he had been taken along with about sixty other men in a boat to Ponnagyun where he had to work for ten days building a prawn pond for the army. A forty-one year old man from Buthidaung said that he had been taken by boat along with forty other men and forced to work on the

Kyauktaw-Mrauk-U road for fifteen days, and then they were taken to work on a road near Seindaung waterfall for ten days.

He was allowed only ten days rest before being taken for two days to work as porter carrying cans of gasoline for the army. He left for Bangladesh as soon as he got back home.

A fifteen-year old boy said he had to work cutting bamboo, cleaning the latrines and cooking in the Na-Sa-Ka camp as well as working as a porter carrying the army supplies. He had been to Bangladesh in 1992, and returned to Burma only to find that forced labour requirements were harsher than before. Two other men left as they were hunted down and accused of working for RSO. Both of them were subjected to cruel and inhuman treatment while in detention.

Despite these atrocities, the UNHCR representatives in Bangladesh insisted that the new arrivals are economic migrants, in violation of UNHCR policy. A UNHCR senior legal advisor for Asia, visited Burma for a month in February and Bangladesh for two weeks in May-June and told Human Rights Watch that he found categorically that forced labour does not take more than four days a month for each family. He also looked into the cases of twelve new arrivals in Bangladesh in detail and found that the refugees stories "were not credible", citing inconsistencies in their stories and saying that they did not correspond with the current situation in Maungdaw. Without access to the Arakan State themselves whom they should believe, the UNHCR or the refugees?

The UNHCR position having been secured after long and hard negotiation, with presence in Arakan, did not acknowledge the abuses and difficulties in reintegration. At the same time, Bang-

ladesh is not ready to accept the new arrivals as refugees. Those who attempt to stay in the camps are liable to arrest and push back. UNHCR did not call on the Bangladesh government to grant them access to new arrivals and to those held in detention. Indeed, access to the new arrivals by both the UNHCR and NGOs were severely restricted. Moreover, UNHCR was concerned that food given to the new arrivals would create a "Pull factor" and the UNHCR resident representation in Dhaka was reported as saying, "If we give food to this group, we will attract 50,000 more the next day."

Since late May 1996, there have been no new arrivals. This was due in part to the rainy season, also as the Na-Sa-Ka prevented people from leaving. Around 2,000 people were rounded up and loaded in army trucks and taken back to their villages. The UNHCR was assisting the Burmese government by providing trucks to transport people who were about to cross the river back to their villages, sometimes fleeing villagers were beaten to force them onto the truck. The UNHCR was telling people that if they left they would face arrest in Bangladesh.

By immediately classifying the new arrivals as economic migrants, Bangladesh push them back in clear violation of Article 33 of the 1951 Convention Relating to the status of Refugees. There was also report of the severe physical abuse of new arrivals and the alleged rape of a twelve-year-old girl by three BDR personnel.

Noted Journalist Alistair Layon reported from Teknaf that was published in "Sun" of Malaysia on Wednesday June 5, 1996 states that, "Amidst green fields in sight of the Bay of Bengal, Jafar Ahmed explained why life in Burma has become unbearable. "Twenty days before we left our village of Inn Chaung,

the military took me for forced labour, he said, "They said it was for ten days, but they kept me for 16. They tax us and force us to give donations such as logs for their requirements. If we can't pay they take us to a Na-Sa-Ka (border force) camps and torture us." Ahmed, a 40-year old labourer, said he had once spent 24, hours with his legs held in wooden stocks at the Na-Sa-Ka camp.

The Military government has long denied reports of ill treatment of minority Muslims or Rohingyas in its impoverished northern province of Arakan State. Now, Ahmed, his wife and three children are part of a group of six families sheltered in a hut on a Bangladeshi peninsula separated from their homeland by the broad Naf River. They arrived in April after paying 500 Kyats (about Rm 9.25) or seven times a day labour's wage including bribes to border troops to look the other way.

The UN High Commissioner for Refugee (UNHCR) estimates that 5,500 Rohingyas have fled to Bangladesh since March, while other relief agencies say there may be up to 10,000. The influx is something of an embarrassment for the UNHCR, trying to meet its target of repatriating the last 50,000 of 250,000 Rohingyas who fled to Bangladesh in 1991 and 1992. The UN agency, keen to anchor the 20,000 returnees to their villages and head off any fresh exodus, fears that any move to help the new comers would urge others to follow.

"If we give food to this group, we will attract 50,000 more the next day," UNHCR representative Canh Nguyen said in Dhaka.. "We don't want to create a "Pull factor". "Yet the hardship cited by Ahmed and other new arrivals appears identical to those claimed by their fellow Rohingyas who were accepted as refugees after the original mass flight.

"Bangladesh at first unwilling to admit the existence of any new comers, now says they are illegal immigrants fleeing poverty, not persecution, and must be deported." UN officials say economic conditions for Rohingyas mostly uneducated farm workers; have worsened after a cyclone in November cut rice output by 20%. Rangoon helped push up prices by demanding the same rice tax as before.

"This two way traffic of influx and repatriation has created an odd situation," said Dick Van der Tang representative of Medicines Sans Frontiers.

"We are afraid that if everyone classifies them as economic migrants we'll lost sight of the context the reason for their poverty and the whole human rights situation in Burma."

"The UNHCR, yet to define its policy on the newcomers, hopes that its staff stationed in Burma's neglected Arakan province can intercede with its military rulers to ease the plight of Rohingyas and encourage them to stay.

We have organised an information campaign asking people to return to their villages of origin and contacted the authorities to provide transport, "Tang Said. He argued at compulsory labour, while an issue of great concern to the UNHCR, did not count as persecution of Rohingyas because it was prevalent in Burma. At the same time, Tang said, Rohingyas are not recognised as full citizens but only as residents? and they don't have freedom of movement, needing permission from the military authorities if they want leave their home villages.

"The 50,000 remaining refugees live under UNHCR protection in camps run by Bangladesh officials. They may not work or leave the camps without permits but are relatively secure.

"The new arrivals must seek shelter where they can and are vulnerable to summary deportation and abuse. In April, an attempt by a river patrol of the paramilitary Bangladesh Rifles (BDR) to force a boat full of Rohingyas back across the river ended in disaster. The boatman jumped over board in the dark, the drifting boat capsized after getting tangled in fishing nets and five women and 10 children drowned."

"Anjuma, a 12 year old Rohingya girl who arrived in the second week of last months (May 1996) told Reuters, she had been gang raped by 3 BDR Soldiers who had previously ordered her family and six others staying in a village near hear (Teknaf) to return to Burma. As examination by a doctor working for an international relief agency appeared to confirm sexual assault. Major Lal Mohammed at BDR headquarters here said a military investigation is under way." "The Sun."

The letters of Mr. Can Nguyen Tang, published in the Independent Bangladesh on 17 and 27 June 1996 state that, untill now, UNHCR does not officially have access to new arrivals, especially those in the custody of security forces awaiting to be "Pushed back" to their country of origin. UNHCR requested access to now arrivals to ascertain the reason of their flight to Bangladesh and whether the process of law has been respected with regard to their push back."

Human rights groups and individuals have expressed concern over the plight of Rohingya as well. In a letter of congratulation on Sheikh Hasina's election victory and on her assumption of the office of the Prime Minister, a prominent Rohingya democratic leader who is also a NLD parliamentarian candidate in 1990 election, now in exile wrote that they expect a just and peaceful solution of Rohingya problem under her char-

ismatic leadership. They also expect she would help to rescue 45 million Burmese people, who are groaning under the military boots and extend a helping hand to Suu Kyi, who is a mother and a daughter of the father of a nation like her, in restoring democracy in Burma.

He further wrote that, a durable solution is not evolved under the Rohingya refugee repatriation agreement with the SLORC. As a consequence, a new influx of Rohingya refugees was taking place. Due to massive human rights violations, they were crossing the border. Many Rohingyas were drowned during push-in and push-back.

Rohingyas are discriminated by the SLORC on the name of "Bangalee Kalas". The term "Kalas" is applied to mean in people of sub-continent, and carries sarcasm, contempt and hatred. They treat them worse than animals. A New Berlin Wall is erected for Rohingyas by not allowing freedom of movement to them. Extraction of forced labour from Rohingyas now turned into the shape of ugly slave labour. The SLORC regards them as alien though Rohingyas were officially declared as an indigenous ethnic race of Burma by the previous elected democratic government with Rohingya members and secretaries in parliament and minister in the cabinet. Rohingya refugees' representatives must be able to settle the problem once for all.

The letter was published on 18.7.1996 in Bangladesh - The Independent and The Weekly Dhaka Courier on 12.7.1996 and urged the international community and the host country of the Rohingya refugees, the new government of Bangladesh, in particular to mount effective pressure on SLORC to open a serious dialogue with Rohingya leaders and achieve a just

peace, a decent reconciliation and a perfect democracy in Burma.

The ruling junta having precedence of high human rights violation in Burma is solely responsible for the fresh out flow of Rohingyas from Arakan. As such making the Rohingya rebels and international NGOs scapegoat is quite unfair and is far from truth.

The crux of the problem is that the Rohingya do not have a comprehensive durable solution in Arakan because of past mishandling of the case by Bangladesh, which went a head to solve the issue giving priority to good neighbouring relations from which the SLORC had rightly reaped benefit of exercising Rohingya elimination programs.

Repatriation push-back may be done but the issue will remain seething with frequent refugee outflow under the shadow of friendship of Bangladesh with a hostile regime in Burma.

Similarly on Saturday, June 6, 1996 Gulf News reported from Manama, Bahrian, which the out-going Bangladeshi Ambassador Akhterul Alam Says that raping, looting and torturing of Rohingya Muslims in Burma were in no way less than the suffering of Bosnian Muslims. But the world community ignores the plight of the Rohingya only because they are poor and uneducated. He said the oppressive military regime managed to hide its human rights violations by keeping the world media out from Burma, where bulk of the Rohingya Muslims live.

He attributed this situation to the lack of an international news agency for Muslims to project their problems in the correct perspective.

On 19, April 1996, some 15 Rohingyas were drowned in the

Naf River while they were pushed back by the BDR without the order of the magistrate or the higher authorities and met the miserable death. Alas! Not a single soul ever expressed sympathy for them because they were poor and illiterate. The UNHCR or any human rights organisation never objected the act of the BDR. The Bangladesh government also failed to take action against the BDR for their cruel act.

Some of the 70,000 ethnic refugees living along the Thai-Burma border say a Bosnia type situation exist, with the Burmese troops raping, torturing and killing at will in their drive to control the country's power.

"The vast majority of the Burmese people have expressed their desire in terms of democratic rule," Mr. Kristoff of the US National Security Council said. "The longer that desire is suppressed the greater the opportunity for instability" he further said.

"The military regime in Burma is violating basic human rights and the deterioration of the rule of law, there increases the threat from its drug trade," US Secretary of State Warren Christopher said.

So was the influx of Rohingya in 1996, who neither were in a position to continue bearing the burden of military brutality nor were accepted in Bangladesh on humanitarian ground. Most surprising was the fact that the UNHCR, being paid by UN, only to serve the interest of refugees, had been remaining as silent spectators.

Chapter-12

The 1997 Influx of Rohingyas

While about 22,000 Rohingya refugees are still in refugee camps in Bangladesh, thousands of Rohingyas are leaving their homes from Arakan and infiltrating into Bangladesh amidst tight and tough measures taken by Bangladesh authorities, to escape persecution and for shelter. Bangladesh has been bearing the burden of the Rohingya refugees since long ago when she has her own thousands of problems like the burden of Sisyphus. The influx of 1978 and 1991-92 are worth mentioning. Bangladesh tried to repatriate Rohingya refugees to their homeland in Arakan amidst her social, economic, political and ecological compulsion only through bilateral agreement. However, she never addressed the more fundamental and long-term problem faced by the Rohingyas in Arakan. Nor did she deal with the crux of the problem, which is entrenched, in a long brutal policy of political, economic, social and cultural repression and religious persecution on the part of the Burmese regime. Given the past records and the outcome of the issue how could the problem be settled between Bangladesh and oppressive SLORC. In fact, the Rohingyas do not have a comprehensive durable solution in Arakan because of past mishandling of the case by Bangladesh which went ahead to solve the issue without the representatives of the victims of persecution, giving priority to good neighbourly relations and border trade agreements from which the SLORC had reaped benefit of exercising Rohingya culmination programs. Mr. Salauddin Quader Chowdhury, Ex-Minister of Health and one of the best popular parliamentarians of Bangladesh describes the agree-

ment:

"The Myanmar delegation has gone back to Rangoon having learnt nothing and forgotten nothing they went back with diplomatic victory. They have been successful in projecting to the world that they had agreed to take back the refugees under conditions that Bangladesh has scrambled to agree. This agreement has laid the onus of sending back the refugee on Bangladesh without any corresponding on the part of Burmese authorities of ensuring the security of the Rohingyas in Arakan. Burma has not even been obliged to take any measure under the term of the agreement for a permanent settlement on the issue of citizenship for the Rohingya nor was it committed to prevent the recurrence of persecution." (Holiday)

While Bangladesh is putting the blame on Rohingya refugees for not opting to return citing granted food and shelter in refugee camps, she herself was seriously concerned over the lack of willingness and cooperation from the Burmese to settle the years old stranded refugees. The Rohingya refugees reluctance to return was heightened by the arrival of some 10,000 to 20,000 Rohingyas to Bangladesh in the first six months of 1997 who described increased forced labour, heavy taxation of Muslims and some instances of rape. Unlike 250,000 or more Rohingya refugees who came to Bangladesh in 1991 and 1992, these new arrivals are largely living in local villages rather than in designated refugee camps for fear of push-back. This influx was almost an exact repeat of events of the first six-month of 1996.

The UNHCR and NGOs are not permitted to interview the new refugees, although in 1996 the UNHCR was able to interview some 600 new arrivals. Those who have relatives or close

friends in the refugee camps sometimes try and live in the camps sharing the food rations of their relatives which lead to an increase in the numbers of malnourished children coming to their supplementary feeding centres. However, in many cases in 1996 and 1997, the Bangladesh authorities in the camps rooted out new arrivals from the camps and they had been charged with illegal entry. By October 1996, there were about 900 Rohingyas in Cox's Bazar Jail, a facility built to house only one hundred. That overcrowding led to the death of four inmates in September 1996. Neither the UNHCR nor any other international body was permitted access to those detained.

Arrest of new arrivals continued in 1997. Those who do not enter the camps have hidden in jungle areas or in the slums around Cox's Bazar, while some have travelled further in Bangladesh or abroad - India, Pakistan, Saudi Arabia or Malaysia. When Malaysia conducted a crackdown on illegal workers in March 1997, 8,000 Rohingyas were detained. Having found inhospitable condition at the Burma-Bangladesh Border, many decided to move in a beeline as far as Mumbai, India where there were reports of kidnappings, rape and looting by goons. Some had fallen prey while crossing border with Pakistan.

Most try to eke out a living by sending their children to beg in the streets, working in the rice fields or taking other jobs. Rohingyas generally received 40 Takas (Bangladesh currency) per day as opposed to the local rate of 100 to 120 Takas, which created hostility toward the new comers from local labourers. four Rohingyas women who arrived by boat in June 1997 told the BBC that they were robbed and then raped by some local Bangladeshi men on arrival near Teknaf. Some reported that the local authorities have sometimes gives the newcomers' food

in turn for their departure from the area while the unlucky ones have forcibly pushed back into Burma.

Col. Wali Ullah was quoted in the press as saying that several families who had tried to enter Bangladesh were immediately deported. He added all boats crossing the Naf River were also being checked by troops. Lt. Colonel Khaled Reza, a commander of BDR said "If caught, we are pushing the infiltrators back or sending them to jails." In Cox's Bazar, Police Superintendent Matiur Rahman said that more than 2,000 newly arrived Rohingyas had been sent back to Myanmar, "in the last few months.

Extreme poverty among the Muslims in Arakan led the World Food Programme (WFP) to conduct a malnutrition survey in late 1996. The result of this survey was not made public. In addition in mid 1997 the whole of Burma suffered rampant inflation, with the value of Kyat falling from \$1=120 Kyats (Burma currency), in January to \$ 1=380 Kyats in June 1997. In Arakan the price of rice increased to 60 Kyats per kilo in June 1997 compared to 20 Kyats in June 1996. While the rice price increased the SLORC refused local traders to import rice from Bangladesh. The UNHCR and WFP negotiated with the local military commander to overturn this decision in June, but there were no reports of a change in this policy. Some of the newcomers said they had fled because of starvation, a claim that is supported by evidence of the situation in Arakan. This had led the Bangladesh government to brand the newcomers as economic migrants, not genuine refugees, Even if it was the reason for flight, what about other abuses such as denial of a nationality, forced labour and relocation, arbitrary taxation, denial of freedom of movement, confiscation of land and property which lead them to leave their hearths and homes!

The majority of Rohingya in Arakan are subjected to the discriminatory laws and practices. That is the laws and practices "Lead to consequences of prejudicial nature for the person concerned, for example, serious restriction on his right to earn livelihood, his right to practice his religion or his access to education and health facilities which produce in the minds of the person concerned , a feeling of apprehension and insecurity as regards his future existence".

Thus the cycle of exodus does not end. Following factors need immediate review to assess the situation in Arakan.

Deprivation of Citizenship

Rohingyas in Burma continue to be non-citizens under the most discriminatory so-called Burma Citizenship Law of 1982, which violates several fundamental principles of customary international law standards, was designed to exclude them as an ethnic group and make naturalisation virtually impossible. It has reduced the Rohingya to the status of "Stateless". They are declared a people fit to be exterminated.

Deprivation of citizenship has resulted in deprivation of fundamental right to which all persons, citizens and non-citizens alike are due. The withholding of citizenship has become a mechanism for discrimination and persecutions on the basis of ethnicity. Thus Rohingyas are doubly at risk in a country where citizens face abuses such as forced labour, forced relocation and denial of freedom of movement, speech, association and assembly on a daily basis.

Although the Rohingyas applied for the new national scrutiny cards designed by the SLORC in 1991 Rohingyas are not issued new identity cards that are issued to other citizens. ID

cards are very essential in all national activities. ID cards must be carried at all times and card number has to be given when buying travel tickets, registering children in school, staying overnight with friends or relatives outside own council area, applying for any civil service and professional posts, selling, buying or exchanging land and properties and other acts everyday life.

The Rohingyas were issued the National Registration Card during the parliamentary government or before SLORC/SPDC regime. The SLORC had been confiscated the NRC from the Rohingyas and such confiscation is still continuing under the pretext of issuing new ones to them or making them documentless. As a test case, the authorities had issued temporary registration cards (TRC) known as "white cards" to some Rohingyas against their wish. It is nothing but a design to degrade their national status and put them in a state of uncertainty. Surprisingly, the UNHCR had welcomed and supported this action of the SPDC in utter disregard of the indigenous status of the Rohingyas in Arakan, hence in Burma.

The "Burmese Rohingya Association in Japan (BRAJ)" and other Rohingya organizations have strongly opposed this position of the UNHCR.

Burma's practice is contrary to prevailing international norms enjoining states to reduce. Statelessness as well as the Universal Declaration of Human Rights, Article 15 stipulates that "no one shall arbitrarily be deprived of his nationality." The convention on the right of the child to which Burma acceded in 1992, obliges states to provide children who would otherwise remain stateless, with the right to acquire a nationality.

Forced Labour

Since most of the Rohingyas are unskilled labourers, one day of work without pay can mean one day without food for the whole family. The availability of work depends very much as the agricultural cycle and during the dry season, there tends to be very little work. In the past, Rohingyas would have travelled to find work in towns or in areas where work was available but since 1991 their freedom of movement has been severely restricted by the SLORC. They thus have very few sources of income to being with, since the dry season also happens to be best time for construction work when forced labour demands are most intense, so the burden on the Rohingyas have to build houses for Burmans or Rakhine families whom the government had relocated to the area.

North Arakan has turned into a militarised zone resulting in the increase of forced labour and other violations of human rights. Still forced labour is phenomenal all over Arakan particularly in the Rohingya areas although, under increasing pressure from ILO. The current SPDC is extracting statements from the people that there is no forced labour. The armed forces routinely confiscate property, cash, food and use coercive and abusive recruitment methods to process porters.

The Rohingyas have to build, without wages, military establishments, roads, bridges, embankments, pagodas, schools, dispensaries, and ponds. They have not only to contribute farmland, agricultural tools, cattle, house-building materials and funds to the new settlers but also to pay for Buddhist festivals held every so often. The forced labour situation has become so excruciating that the Rohingyas have been rendered jobless and shelterless.

Forced Eviction and Relocation

Forced eviction of Rohingya villagers is launched occasionally through out the year. Many centuries-old settlements were uprooted in the township of Akyab, Sandoway, Kyankpyu, Cheduba, Taunggup, Mrohaung, Kyauktaw, Minbya, Ponnagyun, Paucktaw, Buthidaung and Maungdaw.

The SLORC/SPDC appears to be working on a program of relocating all Muslims in Arakan from outside Maungdaw and Buthidaung and bringing Burmans or Rakhines families into so called "model villages" in the wealthiest parts of Maungdaw and Buthidaung. Many of the new refugees of 1997 were from Kyauktaw and Minbya townships.

Confiscation of land and properties

Large tracts of Rohingyas' farmlands were confiscated by government orders. Rohingya villages are uprooted and relocated more often. Hundreds and thousands of confiscated lands were distributed among Buddhist settlers invited from inside and outside of Arakan including Bangladesh. Some of them were used for military establishments. This has forced the Rohingyas to become increasingly landless, internally displaced and to eventually starve them out to cross the border into Bangladesh. In addition to having to work for the government for no pay, the lands of the Rohingyas had been confiscated by the authorities, leaving them no means of livelihood.

Arbitrary Taxation

Taxation in Burma is notoriously arbitrary. Tenant must pay a percentage or quota of the harvest that the farmer must sell to the government at a price fixed by the government. In Arakan state the rice tax is calculated as a percentage of the land acre-

age available to the farmers, rather than on the basis of the yield of the farm. The calculation has a discriminatory impact on Rohingyas, who for the most part have access to only the poorest quality land where yields much less than for good land.

Nowadays a new method of taxation has been introduced. In addition to the land tax, Rohingyas have also been subject to increasing new forms of taxation since 1992. Every family has to pay 100 Kyats per week as a security tax but is exempted for Rakhine. Every family has to pay a chilli tax regardless of whether they grow it or not.

The shrimp tax, vegetable tax, animal or bird tax (for cow, buffaloes, goats, fowl), roof tax, house building or repair taxes etc., are collected by force. Every Rohingyas who breeds either cattle or domestic livestock has to pay certain amount for each and every item they posses. Every new born or death of the above has to be reported paying a fee.

The Rohingyas have to pay taxes for everything; for cutting bamboos or woods in the jungles, fishing in the rivers, and breeding animals at homesteads from December 2002. A Rohingya family has to pay Kyat 500 when a new child is born and Kyat 300 when a member dies.

The Rohingya villagers have to pay yearly a new tree tax of Kyat 200 per betel-nut tree and Kyat 5000 per coconut tree. Na-Sa-Ka authorities have appointed agents for every essential item and warned the Rohingya not to sell their products directly except through their agents. They are paid prices fixed by the Na-Sa-Ka, which is usually one-third of the market price.

Finally Rohingyas have to pay for permits to travel from their village to the next or to the market to sell whatever produce

they may have. Once at the market the military would come and take whatever they wanted without paying for it. There is also the tax of crossing bridges and seashores.

Restriction on Movement

Humiliating restriction on the movement of Rohingyas has been strictly tightened. The Rohingyas are not allowed to move from one place to another, even within the same locality without permission. It is a great problem to follow the intricacies of the travel formalities to go to Akyab, the provincial capital of Arakan.

For a Rohingya to go to Rangoon has become a distant dream and the way is totally shut down. Even students who were earlier allowed to fly to Rangoon for future studies from Akyab are not allowed now. Seven students who got admission to study diploma course in Rangoon were turned back in Akyab by the authorities. They were told that no Muslims whoever he may be would be allowed to travel to Rangoon. After the entry of Burma into ASEAN in 1997, freedom of movement for Rohingya of Arakan is further tightened. Before the entry of Burma into ASEAN, some Rohingya were able to travel to Rangoon only after giving 180,000 Kyats as bribe to army officer. The rate of normal ticket is just over 600 Kyats. Being unable to travel within Arakan state, it is extremely difficult for landless Rohingya to find work during the dry season when there is very little agricultural work available.

Restriction of movement has divided the many Rohingya families. Members of the family could not join their relatives, even their husband and wives, children and parents who are working or living in Rangoon or outside Arakan and on the other

hand, the latter could not visit their relatives in Arakan lest they would not be allowed to return.

It is so torturing that they are virtually living in a concentration camp with no access to work, no scope to engage in trade and business and no opportunity to continue studies. Though movement orders can be obtained under restrictive regulations for certain places within the localities, one has to bribe the officials for it and has to pay at various checkpoints to avail bus or boat tickets.

To process for a movement pass/order one must obtain recommendations from village PDC, Township PDC, District PDC, Military Intelligence, Na-Sa-Ka- area commander and Form-4 issued by the Immigration and Manpower Department. Form-4 is usually meant for the foreigners. It is a great problematic matter, even impossible for a poor Rohingya traveller to obtain such documents for which he requires to pay a bribe of Kyats 3000 to 5000. If any Rohingya is found to have defaulted the regulation he is jailed for up to 5 years. According to Amnesty International reports 2001, seven Rohingyas including Serajudin bin Nur Islam were arrested in June for attempting to travel to Rangoon. They were later sentenced to between eight to 12 years imprisonment and were held in Akyab (Sittwe), capital of the Arakan State. Rohingyas who are Muslims living in the Arakan state, are forbidden from traveling outside their home townships.

Deprivation of Right to Education

Since promulgation of new Burma Citizenship Law in 1982, the Rohingya students are denied the right to education. It becomes a great burden to pursue higher studies while profes-

sional courses (ex. Medical, Engineering, Law, Computer science etc.) are barred to them. All professional institutes are situated in outside Arakan and so the Rohingya students are unable to study in them for travel prohibition and citizenship status. Rohingya students, who stood in selection test and got formal admissions in various seats of learning in Rangoon and Burma proper, are unable to pursue their studies as they are disallowed to travel. During recent years about 1500 students have to stop their further studies.

Since the academic year 2000 - 2001 matriculated Rohingya students studying in Akyab University (the only higher institute for whole Arakan State) are facing a new inhuman and degrading treatment. Each of Rohingya students has to pay a fee of Kyat 2500 in every weeks to renew their stay for continuing their studies. Repeated requests to issue permission for the whole period of ones studies or at least yearly have been turned down, with the ulterior motive of demoralizing the Rohingya students so as to eventually abandon their studies. The Immigration and Manpower Department threatens that any student who fails to renew his travel permit shall be liable to 1-year imprisonment.

There are no enough primary schools in the Rohingya villages while middle and secondary schools are almost non-existent. The existing schools have no enough teaching staff and non-Rohingya teachers are / could not be questioned for their absenteeism. On the other hand, the poor parents in their extreme poverty could not send their children to school. Various restrictions have also been imposed on religious schools, which are kept under constant surveillance of the military intelligence personnel.

ROHINGYA REFUGEES IN BANGLADESH



In March 1992 Thousands of Rohingya Refugees are Arriving in Bangladesh



Rohingya Refugees Taking Rest Just After Crossing Naf River,



A sick Rohingya Refugee woman is being carried towards
Refugee Camp by her family members



A Rohingya Refugee Makeshift camp on Cox'sBazar-Teknaf Highway



Rohingya Children in a Refugee Camp in Cox's Bazar District



A malnourished children and mother in a Rohingya Refugee camp in Cox's Bazar.



Rohingya Refugee Children are Waiting to Collect Drinking Water



Some Rohingya Women and Children are Demanding to Restore Democracy in Burma

Restriction on Marriage of Rohingya

Imposition of restrictions on marriage of Rohingya couples has further intensified. The marriageable age is fixed at 18 for girls and 25 for boys. Marriages need to be solemnized with the consent and sometimes, in the presence of the army officers. It is nearly impossible for the intended couples and their parents to observe all the formalities, which include medical tests, recommendations from various administrative departments and army commanders, including Na-Sa-Ka border security forces and other law enforcing agencies and police. An amount of Kyat 10,000 to 60,000 has to be paid as bribe to get application passed. The intended couples are asked to appear together before the authorities in Burmese attire. They are not allowed to follow their own culture.

In fact there is no written rules or procedures for the marriage of Rohingyas. All are verbal orders but they are to be followed without question. Non-compliance is resulted in heavy punishment. Applications seeking permission for marriages of their wards are daily submitted to the township SPDC authorities but to no avail. Nowadays, the permission is generally stopped. Sometimes one or two, or three couples are allowed to solemnized marriages in a township after many months. In Maungdaw Township alone more than 300 such applications still remain pending. Sometimes, the officials after taking bribe ask the couples to get married without written permission. But there were instances that many such couples together with the religious teachers who witnessed the marriages were arrested and heavily punished.

Abuse of Rohingya Women

The authorities are collecting Rohingya girls from the villages

under the pretext of Women Development, so-called professional training for women. There are reports of violations of these girls during the training. Under various pretexts, the SPDC arm forces intruded the houses of Rohingya villagers in odd times and seized and carried away the women to their camps for unholy purpose. There were many instances that women were raped in their houses before the very eyes of the children or parents.

ASEAN Gate

Travel restriction on Muslims of Arakan, which was imposed long ago, has been further tightened recently. Especially severe restriction is put on while travelling between Maungdaw and Akyab. Beside the need to take permission after passing a lengthy process, which is very costly to get, intimidation and money extortion along the way is now carried out with added momentum. The latest method of harassment and brutal dealing is carried out at Akyab jetty. Dubbed as "ASEAN Gate" all the Muslim passengers are herded to enter the ASEAN Gate, after disembarkation from the steamer or boats onto the jetty in Akyab, which is specially erected for the Rohingya passengers while non-Muslims are allowed to go through the usual gate. It is in total disregarding of the ASEAN and in fact ridicule to it.

Rohingyas were kept inside the ASEAN Gate for about two hours sitting. They are physically humiliated and their money extorted, before being released. They have to surrender as much money as demanded by the combined authorities that are posted at the jetty, especially to harass the Muslim Rohingyas. The Muslim at the ASEAN Gate have to buy anti-Muslim propaganda magazines, to pay donation for building pagodas, and

buy lottery tickets, which are mostly expired. During the whole ordeal the Muslims need to sit in the mood of great attention. Any move to relieve discomfort results in beating whether one may be an old man or a pregnant woman. After suffering all kinds of inhuman treatment the Rohingyas are allowed to go in-groups to Akyab town.

The reason for erecting ASEAN gate may be to prove that ASEAN could do nothing to relieve the suffering of the Muslims, in spite of the entry of Burma into it. They may also like to remove from the minds of Muslims any imaginary anaphora that might be enjoyed by Muslims after Burma's inclusion in ASEAN.

Chapter-13

The Situation of Rohingyas in Bangladesh Camps

Although the government of Bangladesh had planned to close the two remaining camps housing Rohingyas at the end of June 1997, delays in the repatriation process have compelled Bangladesh official to keep the camps open. Over 21,000 refugees who had been given clearance by them by a 15 August deadline. The 14,000 refugees yet have apparently not been permitted to return by the SLORC, who have been told by the government of Bangladesh that they cannot remain in Bangladesh.

According to reports, on 20th July 1997 the Bangladesh security forces forcibly returned 187 refugees from Nayapara camp across the Naf River to Burma. Apparently no one volunteered for repatriation, so the authorities picked mostly women and children to be sent back. The police entered Nayapara camp on 19 July to search for refugees cleared for return, but some of the refugees resisted by throwing stones. The police responded by throwing tear gas. A group of refugees singled out for return was locked in a building overnight the day before the repatriation. The next day the authorities reportedly forced this group of refugees on to awaiting buses, beating some of them and separating families in the process. Many of the men whose families were returned had hidden outside the camps and so were not sent back at the same time. Refugees who were ill or disabled were also forced to return with no medical supervision.

After the refugees from Nayapara camp were taken by bus to the Naf River, a group of refugees from the camp attacked security forces with canes, iron rods, and bows and arrows. They responded by firing shots and lobbing tear gas canisters. As a result, 15 - 20 people were injured, including several policemen. A group of refugees were arrested but still it is unknown about their fate.

There was no reported violence in Kutupalong camp. The second batch of the forcible returnees was herded on 22nd July from Kutupalong with no resistance. 212 refugees from this camp were returned. The same day the UNHCR protested to the government of Bangladesh, that they were not allowed to screen the refugees medically or interview them privately.

After these events refugees in the camps began to refuse to accept rations and medical care at health centres. Sit-in demonstration also took place, protesting the events of 20 and 22 July. Demands included granting Rohingyas full Burmese citizenship, and end to human rights violations, and other forms of persecutions against Muslim in Burma and the restoration of democracy. Many refugees became ill due to lack of food and medical care. Both the UNHCR and the government attempted to persuade refugees to accept food and to reassure them that they would not be returned against their will. Since 31 July refugees at Kutupalong camp began to take their rations but many residents of Nayapara camp still refused to do so, where the atmosphere remained tense.

Representatives of UNHCR met the officials of the Foreign Ministry and Relief and Disaster Management Ministry separately on 23 July 1997 and the Bangladesh government had decided to resume the repatriation of Rohingya refugees from

24 July 1997.

The UNHCR representatives during their meeting asked the authorities concerned to reintroduce the principles agreed upon earlier for the repatriation of the refugees. But the Bangladesh government reminded them that as the country was not a signatory to the Geneva Convention on Refugees 1951, the government had the right to ensure the repatriation of the refugees bilaterally, according to an official source.

The government, however, respected the Geneva Convention regarding the repatriation of the Refugees and accepted most of the suggestions made by the UNHCR to ensure their voluntary repatriation, said the Secretary, Relief Ministry, Islamuddin Malik.

He said in accordance with the decision taken at the meeting, the UNHCR representatives went to the repatriation site in Cox's Bazar on 23rd July to see for themselves the situation there to ensure the voluntary repatriation of the refugees.

Acting representative of UNHCR in Bangladesh Arun Salangram said that the government was now repatriating the refugees bilaterally and the government officials were not consulting the UNHCR officials who were working in the field. He said that the Coordinator of the Bangladesh - Burma Repatriation Operation, Canh Nguyen Tang arrived in Dhaka on 23rd July 1997 to persuade the Bangladesh government to maintain the procedure of repatriation agreed upon between the parties earlier.

The two representatives of UNHCR jointly called on the Secretary, Relief Ministry and the Acting Secretary of the Foreign Ministry separately and appealed to the government to resume

the procedure, which was followed earlier for ensuring voluntary repatriation through joint supervision. He said that the Burmese authorities had agreed to ensure the rehabilitation of all the Rohingya refugees gradually.

The UNHCR said that they had information that a total of 396 Rohingya refugees had so far been repatriated without any consultation with the UNHCR officials. The UNHCR proposed to the Bangladesh Government in March 1997 to rehabilitate 21,000 refugees in Bangladesh permanently as they were not taken back by the Burmese authorities. But the Ministry of Relief and Rehabilitation turned down the proposal as Bangladesh was already providing shelter to 260,000 refugees of Pakistan and many others from Somalia.

The Secretary, Relief Ministry, Islamuddin Malik, said that the government had on principle decided not to provide permanent shelter to any of the refugees and the decision had already been communicated to the UNHCR.

The UNHCR representative said that they were not pursuing the proposal of rehabilitating them permanently in Bangladesh any more. The government told UNHCR that the Rohingya refugee could be provided shelter by any third country or they should be repatriated to the country of their origin.

The government of Bangladesh announced that the repatriation process was suspended and that they would negotiate with the SLORC to extend the 15 August deadline for the return of the refugees. The government also announced that it would co-operate with the UNHCR and that no one should be sent back against his or her will. Repatriation would not be considered as a viable option by the authorities until and unless it had

been independently determined that the human rights situation in the refugees' country of origin (Burma) has undergone a fundamental improvement. This is far from the case in Burma, where the human rights situation remains extremely grave. While refugees may make an individual decision to return for whatever reason, repatriation should in no way be encouraged or prompted to refugees in the absence of an improvement, in the human rights situation in Burma. Until this time, refugees should be given effective and durable protection.

While Rohingya refugees have been repatriated from Bangladesh Camp to Arakan State, other Rohingyas have fled into Bangladesh, because of human rights violations such as widespread forced labour. Some of these new arrivals were among the original quarter of a million people who fled in early 1990s; this indicated that repatriation might have been premature. It is also nearly impossible to make a simple disconnection in every case between economic hardship and human rights violations - many of those who have fled do not have enough to eat but this is partly because forced unpaid labour under harsh conditions prevents them from earning a living.

The United Nations High Commission for Refugees (UNHCR) believes that the increasing influx of refugees' worldwide particularly after the end of the cold war can be tackled if the affected human beings are given a fair chance. This view was expressed by the leaders of UNHCR mission in Bangladesh on the eve of UN DAY scheduled for October 24. Bangladesh faces the problem of the refugees as about 21,000 Rohingya refugees from Burma and more than 250,000 stranded Pakistanis and about 80 Somalians refugees are now living in the country.

Arun Sala-Ngram, the deputy UNHCR representative in Bangladesh said that out of total of 250,000 Rohingya refugees, the UNHCR had already successfully repatriated 230,000 refugees with the active help and support of the Bangladesh government. He said that the total expenditure of UNHCR, which is raised through different donors agencies and countries for the Rohingya refugees, was about US\$ 6, 425, 601, 626 from 1992 to 1997. The expenditure included cost of food, transport, water, sanitation, health, shelter, community service, education, crop production and livestock, legal aid and agency operational support.

Arun Sala-Ngram said that UNHCR was facing challenges in connection with the repatriation of 21,000 Rohingya refugees in Bangladesh. The organisation was trying to send them back and rehabilitate them on their homeland. He said that UNHCR was continuing dialogue with the Burmese government to take back all refugees.

The other challenge, he said, was how UNHCR could step up its efforts to monitor and supervise the refugees who had returned to Burma. So that they did not have to leave the places where they had been rehabilitated. He said that now Burma had allowed UNHCR to supervise and monitor the rehabilitation programme in Arakan and there was no restriction on UNHCR in performing the job there now.

Addressing the inaugural session of a two-day national conference that began on 29 December, 1997 on "Refugees immigrants, and stateless persons: in search of the national consensus" in Dhaka, Justice Habibur Rahman, former Chief Adviser of the caretaker government of 1996, said the disadvantaged, the refugees and the stateless persons should be treated with

compassion. He said the concern for the protection of life and human dignity should cover not only citizens but also refugees. At present not only a national consensus but also an international consensus was needed to deal with refugees and stateless persons with dignity, he also added.

In his speech Prof. Abrar made a plea for avoiding forcible repatriation of the 21000 Rohingya refugees unless there was a meaningful change in the conditions in Burma that forced them to leave their homes. Forcible repatriation would be a violation of the customary international law, he said.

UNHCR representative Wilbert JEM Westesflier said that preventive measures against the refugee problem were welcomed. He hoped that the experience of Bangladesh who had become refugees in 1971 would help to reach a proper understanding of the humanitarian aspect of the problem. Such an understanding would contribute towards arriving at a national consensus on the issue.

He said that the emphasis given on voluntary return of 21,000 Rohingya refugees, out of the 250,000 who had taken shelter in Bangladesh in the early 1990s did not mean that they would live in Bangladesh on a permanent basis. The government of Bangladesh and the local people of Cox's Bazar should continue to be flexible to facilitate the process of repatriation.

He said that the local people had demonstrated remarkable generosity. The international community did not let Bangladesh down, but come up with assistance to support the refugees. He said some projects for the refugees, which might also benefit the local people, were being planned.

EVERYONE HAS RIGHT TO SEEK ASYLUM

The Universal Declaration of Human Rights, 1948, which declares "everyone has right to seek and enjoy in other countries asylum from persecution." The head of the UN refugee agency expressed hope that the first "World Refugee Day" observed on 20 June 2001 - will prompt governments to review their commitment to the principle of asylum and give more money to help millions forced from their homes.

"World Refugee Day" was designated by the UN General Assembly in 2001 to commemorate the 1951 Refugee Convention, the accord setting up the legal foundation for refugee rights. "The issue of refugee is no less important to us today than it was 50 years ago," said Mr. Harri Holkari, President of the General Assembly.

After the Second World War the 1951 Convention Relating to the Status of Refugees was a landmark in international protection. The convention was limited in its implementation through the provisions it adopted by the geographical and temporal limitations of giving refugee status.

But later in 1967 Protocol these two limitations were removed as the following years showed that the movements of refugees were not phenomena only confined to the post-war consequences. New refugee groups emerged throughout the 1950s and 1960s.

The convention of 1951 defines a refugee as a person who has fled his or her country because they feared persecution for reasons of race, religion, nationality, political opinion or membership of a particular group who cannot do or want to return home because of further action against them.

UN Secretary General Mr. Kofi Annan scolded Europeans for falling down in their protection of refugees, often seeing them as a threat rather than a potential contributor to a productive economy and diverse society. Some government procedures to detect bogus asylum seekers wind up harassing genuine refugees, Mr. Annan said in a speech at Oxford University in England.

"Perhaps I could remind you of the famous cartoon depicting Einstein with a bundle of clothes on his back," Mr. Annan said. "The caption read, 'A bundle of clothes may not be all a refugee brings with him'."

Former Tanzanian President Julius Nyerere once observed, "At the time, the generosity was not simply because we were innocent but I think some of us also had in mind the artificiality of the colonial boundaries ... they speak the same language ... And then the people are in trouble on that side - their official country and then they come on this side and then we say 'go home' - why should not they stay here."

UNHCR not only provided aid to refugees around the world, but also presses the government to live up to their commitment to provide asylum to refugees on their soil. "This system for supporting refugees is under unprecedented strain," High Commissioner for Refugees Mr. Ruud Lubbers said. "I just hope that all the impressive grass-roots efforts to highlight "World Refugee Day" will translate into more political and financial support", said Mr. Lubbers.

In Bangladesh there are around 20,000 registered Rohingya refugees in two refugee camps and there are many unregistered Rohingya refugees seeking asylum through UNHCR. But

UNHCR is still unable to determine refugee status to any individual Rohingya though the Agency is doing well for other nationalities. The Bangladesh government should permit individual Rohingya to seek asylum and should establish a formal mechanism through which UNHCR can determine refugee status to Rohingya who seek asylum. UNHCR should produce international refugee legal standards to assess Rohingya claims to refugee status.

The international community should coordinate their efforts to press the Burmese government to implement fully the April 2000 resolution of the UN Commission for Human Rights, which calls on the Burmese government to address the cause of displacement.

According to Human Rights Watch May 2000, Vol-12 No. 3 (c), the principal cause of the continuing Rohingya refugee crisis is the Burmese (Myanmar) government's abusive and discriminatory attitude towards this particular ethnic and religious minority. The ruling junta turns Burma a worst place for Muslims in the whole world. They hate Muslims and call them 'Kalas' a word full of sarcasm. They brand Rohingyas as aliens and never regard them as fellow human beings. So long as Rohingya in Arakan continue rights violations, further refugee flows out of Burma will occur.

"The Bangladesh government should permit individual to seek asylum and should establish a formal mechanism through which UNHCR can gain access to any other undocumented Rohingya who wish to seek asylum here. UNHCR should produce a set of criteria in accordance with international refugee legal standards to assess Rohingya claims to refugee status. The international community should press the Burmese government to

respect the rights of Rohingyas."

It is a great relief for the remaining Rohingya refugees to continue living in Bangladesh refugee camps. It is now over a decade that the Rohingyas have chosen to live in refugee camps. While their repatriation had been stalled due to reluctance or non-cooperation from the Burmese side and unwillingness on the refugee side, the overall atmosphere in Arakan and also in Bangladesh refugee camps has remained unchanged.

A report of cut in ration supply has been widely heard and the replacement of plastic sheets to use as roof has not been made leading to exposure to rough weather especially during the monsoon period. One UNHCR staff, who preferred not to be identified told that both the UNHCR and the Bangladesh Relief Ministry are too cautious to make improvements of the living condition of the refugees as it would encourage them to stay behind though it clearly opposes the humanitarian aspect and the mandate of UNHCR."

Chapter-14

The New Settlements in Arakan

In the most prosperous areas the Government has established "Model Villages" populated by Rakhine and other Buddhist minority groups. Now many parts of Arakan, including the border areas, Rohingyas have been relocated to be populated by the Rakhines of both inside and outside Burma, under the so-called "human barrier policy." Rohingyas' Holy places, historical monuments and relics have been replaced with monasteries, pagodas, etc. with a view to changing Muslim character of Arakan and changing the real history of Arakan. A number of mosques have been destroyed by the SLORC, military junta; including the historic Sandi Khan Mosque built in 1430 A.D by the Arakan King Naramaikhla. The rubbles of the mosque are used to pave roads between new military base camps in the area. The localities of many mosques were turned to Buddhist monasteries and Pagodas.

The Muslim cemetery of Maungdaw proper has since been occupied by the Bangladeshi Rakhines. Centring the Muslim cemetery the Rakhine extended their settlement three miles to the north, two miles to the south and one mile to the east, on the Lands of Rohingyas including the Wakf Lands of Ali Hussain Munshi's Maungdaw Juma Mosque. This is the merely, one of the hundreds of examples of Rakhine's settlements on the land of Rohingyas.

In the words of Mr. Sultan Mahmud, Ex-Health Minister of Burma in Prime Minister U Nu Cabinet, "Thousands of Buddhists from Barisal, Teknaf, Ramu, Cox's Bazar and Chittagong

Hill Tracts immigrate to Arakan annually. They are welcomed by the Burmese Authorities with flag and music, issued National Registration Certificate Provided with foods, cloths, medicines and building materials. They are finally settled on Lands acquired from Muslims without payment of compensation. They are thus firmly and happily rehabilitated with arable land seized from Muslims with allotment of cattle, seed grains and fertilizer, free of cost."

In the words of Mr. M. A Gaffar, Ex. M.P and Parliamentary Secretary, "307 villages of Rohingyas were destroyed and occupied by the Rakhines since 1942 communal riots. Their landed properties were taken away by the Rakhines. In Tulatuli, village of Maungdaw Township, there was not a single Rakhine according to the census report of 1921, but the the Burmese Government uprooted the Rohingyas of that village, who were for centuries there and settled the Rakhine instead and distributed Landed properties to them belonging to Rohingyas.

In the words of Mr. Nurul Islam, "Now the junta having had a plan to turn the north Arakan into a Buddhist majority area, is making a serious demographic imbalance by bringing in more settlers. For this, Rakhines and Burmans are being invited from Southern Arakan, Central Burma and even from Bangladesh as a part of the Rohingya extermination. With a view to disturbing law and order situation in Rohingya area, the junta had resorted to bringing in social menace, ex-convicts families of loose character and ex-army Personnel. Besides, the burden of creating model village in the centre of Muslim habitats goes to the Rohingyas farmland, building houses for the new settlers, domestic animals, rations, etc. have to be supplied by the Rohingyas too.

"The importance to setting up such model villages by the authorities could clearly be seen from the personal supervision of the western Commander, Brig-Gen. Aung Htwe, who accompanied the 304 new arrivals all the way from Akyab to Buthidaung on March 25, 1999. The authorities had earlier ordered the local Muslims to arrange everything in advance including planting of tall coconut and other old trees in the model villages so that the village would look the old but belonged to new settlers."

The Burmese military regime has been actively pursuing a policy of Rohingya extermination since it came to power. During Ne Win era, it had openly invited the Rakhine living in Bangladesh to migrate to Arakan on large scale that were given warm reception and resettled in various parts of Arakan including Akyab.

The "Myo Oo Zedi" a big pagoda was constructed by the Burmese authorities at the entrance of Maungdaw town opposite to the confiscated Mosque, at Myoma Kayindan village, where there was not a single Buddhist since the beginning of the history of Arakan. As many as 300 houses of the locality were evicted since February 15, 1998 and funds have been raised to the tune of millions of Kyats from Muslims through forced donations.

Similar big pagoda "Lawkananda Zedi" has been built at the entry point of Akyab airport, opposite to the "Shafi Khan" Mosque, despite the fact that the whole area is an age-old Muslim settlement, to let the new visitors feel that the place has overwhelming Buddhist residents. Wife of Lt. Gen. Khin Nyunt, who paid a visit to north Arakan on 26 June 1997 told the Buddhist Rakhines that she would donate funds for build-

ing a pagoda and a shrine at No. 5 ward of Buthidaung Township adjacent to the UNHCR Office. The local authorities started constructing the Pagoda and Shrine on the land of Mr. Abul Hossain, without payment of compensation.

It is to be mentioned here that the authorities on the contrary, not only restrict the Muslim to renovate, repair and maintain the existing Mosque, religious school and Muslim relics but many mosques and religious centres has also been dismantled and closed down. Villagers of the newly settled Buddhist villages near Taung Bazar have been used to waylay goat, cows, buffaloes, and fowls of the Muslims of the neighbourhood. Muslimís complaint to the chairmen of the Buddhist settlements went totally unheeded. Rumours are rife in the area that the new settlers eat human flesh as they ask the Muslims to give them their dead ones. On May 25, 1999, three Rohingya cowboys have been kidnapped by the new settlers panic stricken parents reported the matter to the authorities. However, the settlers were defiant and that they will not listen to anybody except Secretary (1) of SPDC. With full reinforcement the authorities had rescued the three boys.

Under the so-called Border Area Development Programme, the military junta has establish hundreds of Rakhine villages over the confiscated Muslims lands and uprooted Rohingya villages in north Arakan with the forced labour of the Rohingyas. Under the direct instruction of the SPDC Chairman Senior Gen. Than Shwe and Secretary (1) Lt. Gen. Khin Nyunt, Commander of the Western command Brig. Gen. Aung Htwe, personally supervised the settlement programme. Each family of the new settlers have been provided 3 acres of Rohingya's land for cultivation, 0.2 acres for house building, Kyat 40,000 as lump sum monetary help, 40 Kg of rice per head free of cost per month, one pair of bullocks and one bul-

lock cart. Each village has also been provided with fifteen 5 Hp Honda tractors. Rohingya villagers of neighbourhood are forced to construct the houses for new settlers plough the land, transplant Paddy, and harvest the crop without any payment.

The ruling military regime, in its drive to make a demographic change, brought in 45 more Burmese families from Rangoon in April 1999. were been resettled in the so-called model villages established earlier in Maungdaw Township. The newly arrived Buddhists have been provided with all the necessities including chicken, pig, ducklings, cooking utensils, landed properties.

The local administration had earlier ordered the Rohingya villages to supply 45 bullock carts and 45 pairs of bullocks so as to distribute to newly arrived families. The Muslims of nearby villages have been suffering as a result of junta's plan to set up model villages at no cost but with forced collection and labour from Rohingyas only.

On 18 May, 1999 Lt. Col. Tun Hla Oo, Chairman of Buthidaung Township SPDC in a speech to the Chairman and Secretaries of all village committees of the Taung Bazar village tract, under Buthidaung Township warned that serious action would be taken if they fail to complete evacuation process of Muslim villages and confiscation of lands between Mingri-taung and Taungbazar before the end of monsoon. He told the meeting that over 1,000 Buddhist families from interior Burma would be established after the completion of the evacuation process. In another meeting held on 24 May, 1999 at Ottama Hall, at Buthidaung Col. Tun Hla Oo ordered to confiscate 100 acres of land at Payabyin village under Thayet Pyin village tract and to complete work of constructing 66 houses for new Burmese settlers. He further instructed to construct 35 houses for new

settlers over the demolished mosque site near Aung Mingala army cantonment 6 miles west of Buthidaung Township. The above houses are to be constructed with the forced labour of Muslims from nearby villages. Earlier, in the month of April, 63 acres of land have been confiscated from one Sayeddur Rahman, a primary teacher, hailing from Yaungma Kyaungdawn village on which 23 houses were built for the new settlers. The new Buddhist village was named "Tharafu village". Another 50 acres of farmland belonging to late Abdus Salam Dubashi of Buthidaung Township situated at just eastern side of the Mayu river have been confiscated and a sign post reading 'model agricultural plot' has been erected on the site.

In order to terrorise and exterminating Rohingyas, the western Command is going ahead with the plan to establish more and more installations in Maungdaw and Buthidaung Townships. It is recently ordered to surrender large tracts of Rohingyas' land to the army to facilitate them establishing more military cantonments in Buthidaung Township.

The junta set up two more cantonments at Tharafu village of north Buthidaung. One more such cantonment is believed to be setting up at Tamipanzi village and orders have already been given to the nearby Muslim villages since March 18, 1999 to supply forced labour and materials to build a road that will connect the cantonment with Bogyichaung village and Paundawbyin village.

Every family of the nearby village has to work at least ten days for the purpose failing which one has to pay a penalty of Kyats 1000 and ten viss of chicken to the army. More than 400 acres of farmland and grazing ground belonging to Rohingyas of Khandauung village tract of Buthidaung Township in north

Arakan, have been confiscated and a new army regiment No. 551 has been established on the same with the forced labour of Rohingyas.

A new Buddhist pagoda with the name of "Myo Oo San daw Shin pagoda" is being built in Maungdaw Township of the Arakan State by extorting money from Rohingyas in the name of donation. Permits to carry out border trade are given to Rohingyas only when they pay certain amount of donation for pagodas. Many Rohingyas are being compelled to pay money for the construction of pagodas unwillingly, fearing cancellation of their trade. Such forced collection of money from Rohingya in the name of Pagoda fund has been carried out from the Rohingyas at bus station, jetties and government offices since 1988 formation of SLORC.

Another model village was established on Amtala area north of Maungdaw Township near the border with Bangladesh on the confiscated Rohingya land. The new settlers comprising 46 families are Mro hill tribes. Confiscated lands from Rohingyas have been distributed to the new settlers. Rohingyas forced labourer are engaged to plough and plant paddy for the new settlers.

Since the beginning of 1998, hasty establishment of military installations and new Buddhist villages over the Rohingya lands have been going on. There is no hesitation to confiscate land, cattle, and food grain from Rohingyas. Rohingyas are not allowed to buy new moveable or immoveable properties. In the month of June 1999, two Muslims villages namely Doctorguna and Hadama under Buthidaung Township have been uprooted and the inmates were evicted without giving any alternative place to settle. The evictees are diffusing into nearby villages. The uprooted village land and farmland totalling 210 acres

have been confiscated and declared as property of Regiment 551. Rohingya farmland of 64 acres from Na-Ra-Gun village and 60 acres from Maungnama Palaytaung village of Buthidaung has also been confiscated for new settlers.

Burma's Engineering Crops (B.E) set up one of its units in Buthidaung Township. This site was selected at Taimaung - Klali Rohingya village. A total of 400 residential plots belonged to Rohingya have been confiscated and owners evicted from their houses by 27th April 1999. After clearing it, the Burma's military established their engineering unit on it.

The regime has confiscated vast tract of land from Rohingyas, uprooted many Rohingya villages and erected so-called model villages for new settlers from far and wide who are being lured to take over the evacuated Rohingya lands. Rohingya forced labour from the neighbourhood have to till their land, transplant paddy harvest the produce and provide bullocks and carts for their use. The Rohingyas have to work as slaves for the military, some times, for long periods up to six months continuously. They are not only unpaid but also have to bring their own food and cook it in the work site. These unfortunate souls are often treated horribly, cursed, and abused. Sometimes they are mercilessly beaten. When one cannot walk at pace with the military, he is often kicked down from the cliff of mountain to death. Some are brutally shot or mercilessly bayoneted. Womenfolk are not spared from this cruelty. They are often subjected to rape and dishonours.

The International Labour Organisation (ILO) has applied toughest sanctions ever on Burma, a member state of ILO, during 87th session of the ILO held on 17 June 1999 at Geneva, for Burma's conscription of forced labour. ILO has stopped providing any ILO fund to Burma and prohibit invitation of any

Burmese government's delegation to attend ILO conference in future until Burmese military government abide by its obligations.

Lt. Gen. Khin Nyunt, Secretary (1) of the Burmese ruling junta as State Peace and Development Council (SPDC) in a statement in Rangoon claimed the regime does not extract forced labour, rather the payment of voluntary labour by Burmese people is an old tradition conforming to Burmese Buddhist culture. Yes, Khin Nyunt's statement is partially true in the sense that the tradition of extracting forced labour or forcing hundreds of thousands of people to work as slaves in the name of voluntary labour was prevalent during the days of Burmese kings, said one Burmese.

Madeleine K. Albright, former US Secretary of States, while attending ASEAN Foreign Ministers' conference held in Manila in the last week of July, 1998, said that, "Frankly it is usually kind of a normal practice for countries to allow their citizen to travel freely within them and to be able to meet with whoever they want, I think this is an international norm that many countries obviously support".

"With restriction on the movement, restriction on employment, total lack of security of the life, property, honour and dignity and forcing to work like slaves and facing increasing difficulties to eke-out a meagre existence, there is no reason why one should still think to adhere to the country he loves most. Hundreds of Rohingyas are thus leaving daily unnoticed while the authorities have let the gate of exit open. The military rulers could foresee, if this phenomenon continues for more years, they could achieve their target of Rohingya extermination and turning north Arakan into a totally Buddhist area' said a prominent Rohingya leader in exile.

Chapter-15

ARAKAN : A Silent Killing Field

Amnesty International report, which emphasises on the cover "The Climate of fear continues, members of ethnic minorities and political prisoners still targeted," reported that Mohamed Elias, a Muslim in his early 60s from Maungdaw Township, Arakan State, was reportedly beaten by Military Intelligence Services (MIS) personnel on 19 June 1992 and died on 23 June. The Local Secretary of the NLD, he was arrested with Fazzle Ahmed (a Member of Parliament with the NDPH ticket in 1990 General Election) on 13 June for alleged involvement in a bomb explosion near Maungdaw town. He was reportedly held in incommunicado detention and severely beaten and on 19 June he was taken to hospital, where he later died. After Amnesty International urged SLORC to investigate this case, they claimed that he died of acute gastro intestinal disease while undergoing medical treatment. However, sources related to his family have stated that Mohamed Elias was in good health at the time of his arrest. Amnesty International remains concerned about the circumstances of his death, particularly in light of the gross violation of human rights committed by the SLORC against Muslims in the Arakan State.

In the fateful morning of June 23, 1993, 5 Rohingyas were lined up on the bank of Mingalagyi creek outside the village of Dargadale (Kyauk-Layga) and shot at one by one by Na-Sa-Ka forces (frontier Security Forces), the functionaries of the present SLORC military government at the border areas, belonging to Franfru (Pinpru) Na-Sa-Ka camp, 6 miles north

of Maungdaw township in Arakan State of Burma.

The Victims were:-

Fayas Ahmed (32), Son of Abdul Gaffar
 Mohammed (32), Son of Abul Hussein
 Abdul Rahim (22), Son of Gulam Sharif
 Nagu (26), Son of Abdul Kader

Kala Matiya (20) Son of Sayed Karim belonged to Frangfru village and the above four belonged to Dargadale village.

At the death of the silent night of 27th June 1993 at about 3:00 am. Na-Sa-Ka forces of the same camp killed the remaining five persons who were earlier detained along with those killed on 23 June 1993.

They were:-

Zahir Ahmed (26) S/o Abdul Hakim, Dargadil, Mdw.
 Abdul Hashim (27) S/o Mohamed Hussein, Frangfru, Mdw.
 Shokat (25) S/o Nesu Maje, Frangfru, Mdw.
 Nur Ali (35) S/o Mohamed Ismail, Dargadale, Mdw.
 Nuru (30) S/o Nagu, Dargadale, Mdw.

The crops were taken to the nearby Mingalagyi Bazar and told the frightened people that anyone found doing anything against the military government should meet the same penalty. The victims along with 10 others including 3 women had been arrested earlier of fabricated allegations. Neither any court proceedings or hearing against the victims were done nor they were given the rights of defence and appeal. They were subjected to severe torture before being killed. The 3 women

were subjected to rape.

SLORC / SPDC is one of the cruellest and most abusive regimes in the world, which had killed thousands of people across the nation while detaining many, more in torturing cells since 1988. The Rohingyas in Arakan have been the victims of profound perpetual intolerable group persecution and driven out of their homeland, are worst affected group in Burma. Rohingyas are now a people in danger.

This Killing is a crime against humanity and is a clear violation of Article 9-3 of the International Convention on Civil and Political Rights (ICCPR) and the resolution approved by the 40th Session of the UN General Assembly. This is also against the recommendations set in the principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary or summary Execution. In Burma today, the officials are not accountable to their acts against the Rohingyas. The Na-Sa-Ka is empowered to do whatever they like to erase the Rohingyas from the soil of Arakan.

Despite the facts that Burma had ratified the Convention on the Prevention and Punishment of the crime of Genocide in 1956, acceded to the Convention on the rights of the child in 1991 and to the four Geneva Conventions of 12th August 1949, which set minimum humane standards of conduct in all situation of the armed conflict. The junta has no respect for international norms.

In July 1991, about 500 Rohingya businessmen were arrested under the so-called. "Phi-tha-ya Operation." Their all belongings were confiscated. They were tortured with all the methods of torture including helicopter and motorbike ridings. Some

of them including a newly married Rohingya youth of Seikipara, Akyab Township were dead.

They were sentenced to 4 to 5 years imprisonment with hard labour without proper trial and rights of defence and appeal. They were taken to the frontline of the military operation of engage in pottering or to use them as human shield and cleansing mines or road construction projects.

In early February 1992, the Lun Htin forces at Purma, north of Maungdaw while crossing the Naf River to Bangladesh had killed 20 refugees. To curtail it the SLORC officials arrested six refugees alleging that they had attempted to loot arms from the Lun Htin. Actually, the Lun Htin had looted the refugee's belongings. Eight persons from Godora village of Maungdaw north were sentenced to death though they were innocent, for a case of the murder to their old dispute with some Chakmas, some Rakhine in revenge committed.

From May 1994, North Arakan had become a new Killing Field. At SLORC death camps of Maungdaw and Buthidaung Townships, Rohingyas were tortured, shot or Slaughtered, more chilling is that the people were to dig their own grave before being killed or buried alive. Alleging as RSO sympathisers or alleging supporters, Rohingyas were taken late at night from their homes and were tortured to deaths or buried alive.

Under the pretext of looking for insurgents, random killing in the villages is a regular routine action of the SLORC / SPDC brute forces. About 60,000 troops have been deployed in North Arakan who used hundreds and thousands of Rohingyas as human shields. Thousands of porters were carried to unknown places in the jungles most of whom have never come back.

Under false and imaginary charges thousands of Rohingyas had been gunned down and slaughtered. They were forced at gun-point, to kill each other by slaughtering or by striking with spades on the heads. There are instances that the brother had to kill his own brother and both the father and son were killed together before the very eyes of the family members. At least 300 Rohingyas were buried in the mass graves in the townships of Maungdaw and Buthidaung.

A few of them are given below:-

- 1) Kaloo (a) U Win Myint, the Vice-President of Maungdaw Township NLD (National League of Democracy)
- 2) U Ba Tun (a) Noor Mohamed, a Geologist S/o Ali Hussein, a retired Police Officer, Fayazi Para Maungdaw.
- 3) Rashid S/o Khalil, Seikderpara, Maungdaw.
- 4) Norul Haque S/o - Seikderpara, Maungdaw.
- 5) Noor Hussein S/o Abdul Amin, Seikderpara, Maungdaw.
- 6) Mohamed Rafique /S/o Mlv Mohd. Amin, Seikderpara, Maungdaw.
- 7) Shukkur S/o Kasim, Karipara, Maungdaw, a Head Clerk of Maungdaw TLORC.
- 8) Mohamed Eliyas S/o Haje Ahmedul Rahman, Fayazipara, Maungdaw.
- 9) Mohamed Ullah S/o Kaseem Ali, Fayazipara, Maungdaw.
- 10) Fazal Ahmed S/o -- Fayazipara, Maungdaw.
- 11) Yasin S/o Fayas Ahmed, Fayazipara, Maungdaw.
- 12) Hafez Hakim S/o Shafu Mistri, Zantula, Maungdaw.
- 13) Habibur Rahman S/o Molovi Siddique, Gadusara, Maungdaw.

- 14) Nayeem (a) Shew Htoon, S/o U Chlit Maung (NLD President of Buthidaung Township).
- 15) Amir Hakim S/o Ahmed Meah, Taungbazar, Buthidaung.
- 16) Jamal Hussein S/o Nazir Hussein, Shewza, Maungdaw.
- 17) Moulana Deen Mohammed, Sabrang, Buthidaung.
- 18) Mohammed Ayub and his son, Sabrang, Buthidaung.
- 19) Mohammed Anwar S/o Abu Bakker, Sabrang, Buthidaung.
- 20) Moulana Mohammed Ali S/o Hajee Ashrof Ali Inden's Madarasa's Principal.
- 21) Hafez Mohamed Rafique S/o Mohammed Islam, Nganchaung Village, Maungdaw.
- 22) Moulana Habibur Rahman, Mayrulla para, Maungdaw.
- 23) Mohammed Jamil S/o Abdul Razaak, Nganchaung village, Maungdaw.
- 24) Mohammed Yahaya S/o Master Shafi Ullah, Nganchaung village, Maungdaw.
- 25) Hafez Mohamed Ulla S/o Master Mustafiz, Nganchaung village, Maungdaw.
- 26) Saleh Ahmed S/o Bukunia, Fawkhali, Maungdaw.
- 27) Sha Alom S/o Sharit Ullah, Myothugyi, Maungdaw.
- 28) Kaseem S/o Sultan, Myothugyi, Maungdaw.
- 29) Sayed Alom S/o Sur Mohammed, Myothugyi, Maungdaw.
- 30) Bashir Ahmed S/o Khalil, Myothugyi, Maungdaw.
- 31) Noor Mohamed S/o Mohamed Hussein, Myothugyi, Maungdaw.
- 32) Abdullah S/o Abdul Salam, Myothugyi, Maungdaw.

In the first week of May, 1996, a group of wood cutters while cutting a big tree at Chawdhury valley in the west of Taimaung Hali village, spotted a pile of skeletons in what is believed to

be a mass grave and informed the local chairman of the matter. They estimated that not less than three hundred human remains were in the grave. On learning the information army personnel removed the skulls and bones to unknown places.

Earlier on 24 March 1994, the Na-Sa-Ka brute forces stationed at Roingadaung, Maungdaw Township, arrested some fishermen from the Naf River and took them to their camp. After torturing five days, all were killed by shooting. They were:-

- 1) Rostom Ali (35) S/o Feran Ali, Shuja Para, Maungdaw.
- 2) Mohammed Shah (27) S/o Feta Ali, Shuja Para, Maungdaw.
- 3) Zafar Ahmed (22) S/o Kala Meah, Shuja Para, Maungdaw.
- 4) Abu Jamal (35) S/o Feran Ali, Shuja Para, Maungdaw.
- 5) Rahim Ulla (35) S/o Abul Kasim, Hatsurata, Maungdaw.
- 6) Rashid Ahmed (22) S/o Sayeed Akbar Hatsurata, Maungdaw.
- 7) Abu Tahir (37) S/o Mohamed Hussein, Hatsurata, Maungdaw.
- 8) Mohammed Rafique (17) S/o Mohammed Aboo, Akyab.

A travel restriction on the Rohingya, which was imposed since military rule, has been further tightened. It is easier to travel from their villages to Bangladesh than to travel within Arakan State. One needs from Kyats 3,000 to 5,000 to get the pass to go to Akyab where he or she can stay for two weeks. In contrary a Rakhine needs only 200 Kyats to reach Akyab from Maungdaw. Besides, taking permission after posing the lengthy process, intimidation and money extortion along the way is carried out with added momentum. Due to movement restriction many patients had died, as they were unable to visit doc-

tors in Akyab or Rangoon. U Ba Than (a) Abu Taher, a veterinary assistance of the Health Department, had to die at Akyab for refusing him to proceeding Rangoon on the ground of he being a Rohingya.

The former leaders of Soviet Union, Germany and the United States, Mikhail Gorbachev, Helmut Kohl and George Bush marked the tenth anniversary of the fall of the Berlin Wall in Berlin on November 9, 1999. The three were leaders of their respective countries in 1989 when the Berlin Wall fell. Though the Berlin Wall had fell ten years ago, a New Berlin Wall so-called Rohingya Wall is erected for the Rohingyas of Arakan. Rohingyas are not allowed to travel to Rangoon.

Since the travel to Rangoon has become a far dream for Rohingyas and the way is totally shut down after the entry of Burma into ASEAN fold, there are occasional attempts or travelling from Akyab to Rangoon by fishing Boat. When the authorities find a Rohingya in high sea he will be killed. The Son-in-Law of Molovi Ziaul Haque, the Imam of Akyab Mosque, was one of the victims who were killed in the high sea by the Burmese Naval forces. Molovi Ziaul Haque was also arrested, tortured and jailed for 3 years.

In November 1997, 17 Rohingya youths from north Arakan were carried by two Rakhine agents of Taungup with their boat. On reaching Taungup, the agents went to look for safe passage for their passengers; a boatman reported arrival of Rohingyas to the authorities. The Rohingya youths were arrested and sent them to the jail on 23rd November 1997. On 29th November 1997 the army took them away and since then remain untraceable. It is suspected that they were killed by the Burmese army and thrown them in deep jungle. The unfortunate

youths were as follows:-

Mohammed Saleh S/o Mohd. Salim Ward No. 2. Buthidaung.
 Deen Mohammed S/o Mohammed Hussein, Buthidaung.
 Abu Talef S/o Fauzi Rahman, Buthidaung.
 Nabi Hussein S/o Abdur Rahman, Ali Aung, Buthidaung.
 Sultan Ahmed S/o Hafez Ahmed, Word No. 3 Buthidaung.
 Mohamed Ali S/o Kasim Buthidaung.
 Kamal Hussein S/o Kasim Buthidaung.
 Mohammed (a) Baser Maungdaw.
 Maung Hla Myint (a) Ismail S/o Kadir Hussein, Mdw.
 Zakir Ahmed S/o Shuna Ali, Maungdaw.
 Mauktulla S/o Altas, Maungdaw.
 Noor Alam S/o Amir Hussein, Maungdaw.
 Abdu Salam S/o Nurul Islam.
 Abdul Ahwal S/o Abdur Rahim, Kyanktaw.
 Yunus S/o Maung Tha Pru, Kyauktaw.
 Ismail S/o Mokgul Ahmed, Akyab.
 Mohammed Tayub S/o Ahmed, Akyab.

On 16 March 1999, Burma's Infantry Regiment No. 234 stationed at Pomali Village of Buthidaung Township conscripted a group of Rohingyas for cutting canes on the upper reaches of the Saindaung Waterfall. While cutting the canes one Abul Kalam (35) S/o Kalu from the nearby village got imbalance. At this, one soldier became angry and stabbed Abul Kalam.

It may be mentioned here that the Burmese military forces have the practices of kicking down from the hilltop and lasting the Rohingya. Labourers who failed to carry the load or finishing the assigned work in time. Those fell sick due to exhaustion or exposure to rough weather in jungle did not get medicine. As a result many died of various kinds of disease like malaria.

One primary teacher by the name of Khaleque was arrested at Taungyi in August 1994 for travelling beyond his own township boundary, was brought to Akyab and was killed by the MIS. In October 1993, when Sayedul Amin of Atta Purma village northern Maungdaw was not found at home his nephew Mohammed Rafique S/o. Rul Amin and brother-in-law Khairul Amin S/o. Sayed Abbas were taken by the Na-Sa-Ka forces on a motor boat and tortured on the boat and finally they were stabbed to death. Their bodies were thrown away in the Naf River and found the next day in the river by fishermen.

On 3rd May 1996, one Lalu was taken from Ward No. 5, Maungdaw. Similarly Badiur Rahman (45), Gudam Para, Buthidaung, was taken away from his house on 29th April 1996 by MIS of Buthidaung. They never come back to their family.

On June 23, 1996, a Rohingya of Sambania Village of Maungdaw South was shot to death at the Maungdaw creek by the Na-Sa-Ka forces of Shuja Para. The Na-Sa-Ka forces of Shuja Para have been reported as notorious and use to extort money from Rohingyas and beat them if they could not please the Na-Sa-Ka.

The No. 6 Area Commander, Major Naing Oo, the notorious Chairman of Phyi-tha-ya Operation, arrested one Rohingya namely Kala Meah of Dailpara of Shuja village tract of Maungdaw on 10th August 1996, on fabricated allegations. A ransom of Kyats 200,000 was demanded. Later his relatives went with Ks. 80,000 for to get release of Kala Meah. But the death body of Kala Meah was returned on 17th August 1996, which bore marks of grievous injuries.

On August 10, 1996, one Rohingya young girl. Shuna Banu

(17) was on her way to Merollah village from Sitafurikka along the long Beach of the Bay of Bengal with her younger brother, a young boy of 15 years age. On the way they were intercepted by 5 or 6 Na-Sa-Ka and detained them with no reason. Then started indecent behaviour with the young girl. When protested by her brother, the Na-Sa-Ka killed him on the spot. They raped Shuna Banu one after another. After fulfilling their lust, the Na-Sa-Ka strangled Shuna Banu to death.

Some Na-Sa-Ka posted at Baddail, Fadoungsa out-post opened fire at the fishing boat in the Naf River on 8 February, eve of Eid day 1997 killing one Shah Alam (28) son of Nazir Hussein of Shuja para Maungdaw township, Arakan State. The Na-Sa-Ka forces seized the boat and detained the fishermen along with the dead body. On 10th February 1997, the dead body of Shah Alam was handed over to his relatives with a warning that any undesirable moves in this connection would receive severe punishment. The rest fishermen were detained for two more days and warned that the incident should not be disclosed to anyone.

Again, one religious leader namely, Moulana Abul Hussein (78) of Zoomkhara (Thabyitaw) village was arrested by MIS in the first week of February 1997 for unknown reason. He was tortured severely, as a result of which he succumbed to his injuries on 10 February 1997. Moulana Abul Hussein was the Principal of Zoomkhara Islamia Madarasa.

On 12 February 1997, military intelligence Unit No. 18 detained one Amir Hussein S/O Gulal Kabir (18), hailing from West Ward of Buthidaung proper and sent to the Na-Sa-Ka Headquarters at Kyikenbyin (Kawarbil) under the Maungdaw Township. The Na-Sa-Ka forces mauled him to near by jungle

and killed him. Amir Hussein was repatriated from Bangladesh to Burma on January 12, 1997. He was a refugee in Moosoni refugee camp.

Even a person namely Dollya, a resident of Ward No. 2, Kharipara, Maungdaw, a frilled person went to Akyab for medical treatment, could not be spared from the clutches of Na-Sa-Ka. While returning from Akyab on 31st November 1997, Dollya was stopped at Buthidaung Jetty for alleged over stay. And was so seriously beaten that he died on the spot.

In another incident, seven convicts escaped from Buthidaung jail on 27 November 1997. One was shot dead. Another three of them reported to be under serious condition.

NA-SA-KA Landmines

While the Ottawa Declaration adopted on October 5, 1996 wrapping up a 3 day International Conference for global ban on landmines, there had been a series of Landmines explosions along Burma-Bangladesh border killing many people and wild animals.

The Burmese military forces planted thousands of landmines along the Burma-Bangladesh border in recent years fearing insurgency and blocking refugee fleeing. To clean up landmines for the safety of the citizens of the two countries, flag meetings between the BDR and Na-Sa-Ka were held several times. So far no step has yet been taken to remove the landmines though Na-Sa-Ka has conceded that the landmines were laid by them and would be removed soon. The UN Secretary General has urged upon the world disarmament negotiators to ban the use of anti-personnel landmines in pursuance of the Ottawa Declaration, where a treaty was drafted for total ban in

production, transportation and sale of such mines in the world for the sake of establishing peace and restoration of ethical values. The convention, agreed by 122 countries in December 1997, now has the requisite of 40 more countries for ratification to become binding international law.

The Landmine treaty has become internationally binding more quickly than any major treaty in history. Global production is down dramatically, global exports have been reduced to trickle, more than 10 million anti-personal mines have already destroyed and new use appears to be on the wane.

The adoption of the Landmine Treaty is a major victory for peace. Landmines have been the scourges of humankind for decades. It is one of those weapons of war which has brought more death, misery and suffering to the civilians rather than actual armed combatants of conflict.

On January 23, 1998 and 24 January 1998, two people were killed and eight others injured in two separate Na-Sa-Ka landmines explosions in Burma-Bangladesh border area. A Landmine exploded near Pillar No. 43 at Chakdala border point while a group of seven people were going home. One woman was killed on the spot while six others were injured. In another blast Mohammed Kalu, 65, was killed and Shaker Ahmed, injured while felling trees in deep forest near the zero point in border area.

On 30 January 1998, another landmine blast claimed six persons in deep forest near the zero point. It is reported that 19 Bangladeshi woodcutters and three Rohingyas were killed from January 20 to February 12, 1998.

As the people of frontier live on woodcutting and products from it, they are having hard days, as death traps are everywhere along the 131-mile Bangladesh-Burma Land border. On 15 April 1999, a landmine exploded between pillar No. 51 and 52 of the border. Ali Ahmed, Son of Siddique Ahmed and Baitta sustained grievous injuries. Ali Ahmed was found lying in a pool of blood with his leg ripped off from the body. Both the victims were brought to a hospital in Bangladesh for medical treatment.

Bangladesh had signed the landmine treaty on 7 May 1997. But Burma has made the Burma - Bangladesh border areas, a 'death trap' for Rohingyas by laying of landmines ignoring the landmine treaty. Landmines continue to be a threat to the wild lives and common people of both sides of the Burma - Bangladesh borders and have killed more than 100 people and also maimed hundreds. The mines also killed 25 or more elephants. Burmese army also planted Landmines at Burma - India and Thai - Burma borders and frequent explosion resulting in many people killed and injured took place. The irony is that the Na-Sa-Ka of Burmese junta fails to clean up landmines in spite of repeated request by the Bangladesh border security forces.

Under false and imaginary charges thousands of Rohingyas had been gunned down and slaughtered. They were forced at gun-point, to kill each other by slaughtering or by striking with spades on the heads. There are instances that the brother had to kill his own brother and both the father and son were killed together before the very eyes of the family members. At least 300 Rohingyas were buried in the mass graves in the townships of Maungdaw and Buthidaung.

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- 7) Shukkur S/o Kasim, Karipara, Maungdaw, a Head Clerk of Maungdaw TLORC.
- 8) Mohamed Eliyas S/o Haje Ahmedul Rahman, Fayazipara, Maungdaw.
- 9) Mohamed Ullah S/o Kaseem Ali, Fayazipara, Maungdaw.
- 10) Fazal Ahmed S/o -- Fayazipara, Maungdaw.
- 11) Yasin S/o Fayas Ahmed, Fayazipara, Maungdaw.
- 12) Hafez Hakim S/o Shafu Mistri, Zantula, Maungdaw.
- 13) Habibur Rahman S/o Molovi Siddique, Gadusara, Maungdaw.

Chapter-16

Forced and Prison Labour

A special interim report on the situation of human rights in Burma prepared by Rajsoomar Lallah, the special Rapporteur of UN Commission on Human Rights, has been remitted on 4th October 1999 to members of the UN General Assembly in its 54th session, depicted a gloomy picture of the human rights situation in Burma. The report claimed that children as young as 8 years old are used as unpaid forced labourers to help build temples and pagodas. Porters who are forced to work for military are often unfed and tied to yoke at night, the report said. It further states that there are abundant evidence of pervasive use of forced labour for porterring, construction, maintenance and servicing of military camps; maintenance of roads, railways and bridges; other infrastructure work; other work in support of the military and work in agriculture, logging and other projects. It provided further evidence of the continued use of forced labour in virtually every ethnic states of the country," as part of the campaign to repress the ethnic minorities." "Widespread human rights violation including summary executions, rape, torture, ill-treatments during forced labour and porterring with the policy of establishing absolute political administration."

As for forced labour used on the "Yadana" project, according to the New Light of Myanmar newspaper, there are approximately 4 million 'voluntary' workers who contribute their efforts in building a better infrastructure.

The International Labour Organisation (ILO) has applied tough-

est sanctions ever on Burma, a member state of ILO, during 87th Session of International Labour Conference held on 17th June 1999 at Geneva, based on the report of the inquiry commission appointed on 2 July 1998 Under Article 26 of the Constitution of the ILO to examine the observance by Burma of the forced Labour Convention, 1930 (No. 29). The sanctions, regarded just little short of total expulsion from the membership of ILO, shall stop providing any ILO fund to Burma and prohibit invitation of Burmese military government's delegation to attend ILO Conference in future until Burmese government abide by obligations.

The report of the Commission, among other findings, describes Burma as a model of slavery practice in the 20th Century. Burma's gross violation of Forced Labour Convention (No. 29) Which is ratified on March 4, 1995 and which came into force on the same day have been criticized by the ILO's supervising bodies for the last 31 years. In spite of repeated calls by ILO's supervising bodies to abolish and cancel offending legislations - the Village Act (1908) and Towns Act (1907) which allow for use of forced labour and ensure that forced labour is eliminated in practice - the Burmese government has demonstrated unwillingness to co-operate with and failed conspicuously to provide the information requested concerning action for legislative change to ILO. The report further alleged that more than 80,000 people are at present subjected to forced labour and the military is systematically extracting labour for their own use.

Gen Khin Nyunt, the powerful Secretary (1) of the ruling military junta known as SPDC in a statement in Rangoon claimed the regime does not extract forced labour, rather the charity of voluntary labour by Burmese people is an old tradition con-

forming to Burmese Buddhist culture. The Secretary (1) took the tradition of using forced labour by the Burmese kings as voluntary labour.

Burmese King Bodaw, after conquering Arakan in 1784, forced 20,000 Rakhines and Rohingyas to carry the huge booty from Arakan and the heavy Buddhist Statue Mahamyat - Muni across the Arakan hills to Mandalay. Thousands died on the way due to fatigue and hunger. In the words of historian Harvey. "Quite apart from extortionate revenue, there were continued extractions of human cattle. Thus three thousand men were called to work on the Meiktila Lake and none ever returned. 6,000 were dragged away to serve against Chiangmai in Thailand, where they died of disease in numbers. When in 1797, more than 2,000 were required to work on the Mingun Pagoda, the people beat the war drum and rose wholesale."

Thus, the junta is practicing the primitive tradition of conscription of forced labour of the some ancient Burmese kings as if they were the autocratic kings of Burma. The practice of forced labour by the Burmese current ruling junta is much more brutal than the findings of ILO commission and than that of Mr. Rajsoomer Lallah, special Rapporteur of the commission of Human Rights. The Rohingya home land of Arakan is a glaring example of such excesses.

In February and March 1996, Human Rights Watch / Asia interviewed twenty Rohingyas who had just arrived in Bangladesh. Many of them complained of excessive forced labour. One of them said that two weeks before he left Burma, he had been taken along with about sixty other men in a boat to Ponnagyun where he had to work for 10 days building a prawn pond for army. A forty-one years old man from Buthidaung

said that he had been taken by boat along with forty other men and forced to work on Kyauktaw-Mrank-U road for fifteen days, and then they were taken to work for another ten days on a road near Saingdaung Waterfall.

Alistair Lyon reported from Teknaf, a city situated along the Burma-Bangladesh border, and published in the 'Sun' of Malaysia on 5 June, 1996 that Mr. Jafar Ahmed explained why life in Burma has become unbearable "Twenty days before we left our village of Inn-Choung, the military took me for forced labour," he said. "They said it was for ten days, but they kept me for 16 days. Ahmed, a 40 year old labour, said he had once spent 24 hours with his legs held in wooden stock at Na-Sa-Ka camp.

Since most of the Rohingyas are unskilled labourers, one day work without pay mean one day without food for the whole family. The Rohingyas have to build the houses of Model villages, Pagodas, and monasteries free of charges. They have also to plough the lands, which are allotted to the new settlers after seizing the lands from Rohingyas.

Although UNO is condemning Burmese military junta every year for massive human rights violation and while western countries stress for more harsher sanctions, which the regime does not really care, UN bodies like the UNDP, UNHCR, WHO, UNICEF, WFP, FAO, UNOPS and UNDCP are doing normal business with the military government of Burma pumping million of dollars for various projects. These projects are carried out, in most instances, by forced labour and in various ways helpful for the regime's prolongation of its life span. While the US and European countries are in odd with the military's human rights violation record, some Asian neighbouring coun-

tries like Japan, Malaysia, China have been giving huge financial assistance claiming humanitarian aid which the military never use for the public projects.

Prison Labour Camps have been established all over Burma, particularly in the ethnic nationality areas. Convicts are regularly used for unpaid labour as porters, on major infrastructure projects and rock quarries. They included both criminal convicts and political prisoners. Convicts doing forced labour are generally treated much more brutally than ordinary civilians who are routinely used in every dangerous works such as blowing up rock faces or digging at cliff-sites, in which many of them killed. The SPDC authorities thanked prison departments for the participation in so-called national projects.

The SPDC has established similar labour camps of large and small in Arakan state, where the convicts or prisoners are subjected to too heavy and exhaustive works. Besides, they are routinely tortured and beaten by prison police and officers. Among the prison labour camps, the followings are well known for notoriety in Arakan.

1. Leyant Taung Prison Labour Camp, situated on the Lemro River - bank in Mrauk-U Township.
2. Kyigan Bin (Kawarbil) Prison Labour Camp, 5 miles north of Maungdaw Town.
3. Thabra Prison Labour Camp, in Pauktaw Township.
4. Taung Gri Prison Labour Camp, in Buthedaung Township.
5. Nantat Island Prison Labour Camp, in South Pauktaw Township.
6. Ann Prison Labour Camp situated between Ann and Roma Mountain pass in Ann Township.

7. Sinedin Prison Labour Camp, about 10 miles southeast of Buthidaung Township.
8. Sagaing Prison Labour Camp, in Rathedaung Township.

Recently, two largest notorious Sinedin and Sagaing prison labour camps were closed down by the authorities due to exposure of killing, criminal atrocities and torture done on them. More than 1000 prisoners or convicts worked in each camp.

Prisoners are kept on chains. Some of the prisoners are chained-up with four to five chains. The prison authorities treat them as animals and they do not allow anyone to visit them. Food, essential items or presentation carried by visitors are taken up by the prison police for their own use.

In some camps the prisoners have to work double without rest for the welfare funds of the prisons. At present, the prisoners in the prison labour camps of Thabra, Nantat Island and Leyant Taung have been engaged in extra slave labour, in addition to their routine works in brick fields and shrimp projects for the monetary benefit of the prison authorities. Particularly, the prisoners of Leyant Taung are engaged in rock quarries. Although Western Command has instructed to engage 10 diver prisoners in carrying a large detected piece of rock under the water, the prison authorities engage four prisoners for each rock piece. This way the prison authorities exploit the forced labour of six prisoners for every piece of rock. Such rock pieces gained through labour exploitation are sold to the government contractors (agents) while prisoners are gradually and physically exterminated. These rocks are used in constructing Akyab - Kyauktaw - Mrauk-U-MinBya motor road. Similar additional works have to be done by the prisoners in the personal brickfields of the prison authorities and military officers. Par-

ticularly, the prisoners have to cut and carry firewood for such brickfields. Thus the prison authorities are getting richer by the slave labour of the convicts or prisoners. Everyday the prisoners receive injuries in the course of forced labour. But sick and injured receive no proper treatment, sometimes no treatment at all.

Due to the foregoing reasons of slave labour, over work, torture, beating, malnutrition and other deficiency diseases, the prisoners have been reduced to 'walking Skeletons' while dying daily. Over and above, they are sometimes killed under the pretext or while fleeing the prisons. This has been confirmed by a Rakhine ex-prisoner namely Khaing Hlin Yun, who was released after experiencing in many labour camps in Arakan. He joined National United Party of Arakan (NUPA) in Burma-Bangladesh border area and gave the detail accounts of the forced labour situation in the prison labour camps. According to him, the prisoners are treated as grass-eaters, and there is no human rights consideration, even at the minimum, with the prison authorities. Khaing Hlin Yun has narrated one of the heartrending episodes as follows:-

It was in the month of August 1999, a group of 12 prisoners were brought to Leyant Taung Prison Labour camp from Sandoway Township of Arakan. When the ill treatment and excessive labour became unbearable, they tried to desert from the prisons. But they were soon over powered and arrested by the prison police with the cooperation of the other convicts. Then the sergeant Than Tun, Corporal Aye Tun, 2nd Corporal Thet Tu and 2nd Corporal Kyi Min and Section Commander Sein Hla Maung together with other collaborators started beating and striking the prisoners with heavy sticks, as a result 10 of the prisoners died on the spot while two other jumped into

the surging river of Mayu and drowned. The culprits refused to follow the advice of their fellow prison personnel to send these twelve prisoners to Akyab jail for proper action, instead of taking the law in their own hands and committed such drastic inhuman crimes.

The Rohingyas convicted for alleged crimes or fabricated cases must be sent to forced labour camps and most of them never come back to their homes. As instructed by the higher authorities, the Rohingyas are killing mercilessly in their labour camps due to exhaustion or torture like beating with heavy sticks or shooting when they try to flee the labour prisons.

Chapter-17

Where is Religious Freedom in Burma ?

In the modern history of Burma, there are two constitutions promulgated in 1947 and 1974. Both constitution permitted not only legislative but also administrative restrictions on religious freedom, stating, the national races shall enjoy the freedom to profess their religion - provided that the enjoyment of any such freedom does not offend the laws or public interest." In practice, the current military junta systematically restricted efforts by Buddhist clergy to promote human rights and political freedom and government authorities in some ethnic minority areas coercively promoted Buddhism over other religions.

US Department of State reported that the Military junta has called itself SPDC, has governed the country without a constitution or legislature since 1988.

The great majority of the country's population at least nominally follow Theravada Buddhism, although in practice popular Burmese Buddhism includes veneration of many indigenous pre-Buddhist deities called 'nats' and coexists with astrology, numerology, fortune-telling which are widely practiced and influential. There are minorities of Christians (mostly Baptists) as well as some Catholics and Anglicans, Muslims, Hindus and practitioners of traditional Chinese and indigenous religions.

The country is ethnically diverse, and there is some correla-

tion between ethnicity and religion. Theravada Buddhism is the dominant religion among the majority Burma ethnic group and among the Shan (Siamese) and Mon (Khamer) ethnic minorities of the eastern region. Christianity is the dominant religion among the Kachin ethnic group of the northern region and the Chin and Naga ethnic groups of the western region (some of which practiced traditional indigenous religions), it is also widely practiced among the Karen and Karenni ethnic groups of the southern and eastern regions (many of whom practiced Theravada Buddhism). Hinduism is practiced mainly by Indians, mostly Tamils and Bengalis who are concentrated in major cities and in the south central region (although many Tamils are Catholic). Islam is practiced widely in Arakan Division on the west coast, where it is the dominant religion of the Rohingya minority, and among Indians. The small Chinese ethnic minorities practice traditional Chinese religions. Traditional indigenous religions are practiced widely among smaller ethnic groups in the northern regions and persist widely in popular Buddhist practice especially in rural areas. Successive civilian and military government have tended to view religious freedom in the context of the threats to national unity.

Many minority Muslims groups accused the military government of having fomented anti-Muslims riots in 1991, 1996 and 1997. Inflammatory anti-Muslim literature similar to that which reportedly contributed to anti-Muslim violence in 1996 continued to be widely circulated through a government sponsored mass organisation. There were reports the government security forces operating in ethnic minority areas had burned mosques and Islamic Schools. The government forced persons of all religious communities to contribute money or labour to the construction and maintenance of Buddhist Shrines.

At the same time the military government apparently in order to promote national unity bolster its legitimacy among the Buddhist majority, discriminated against members of minority religions and restricted the educational, proselytising and building activities of minority religious groups. Christians and Muslims experienced difficulties to obtaining permission to build places of worship and in importing or printing indigenous language translation of traditional sacred texts. Security forces destroyed or looted churches and mosques in ethnic minority areas. Security forces in an ethnic minority area reportedly ordered largely Christian villages to provide women to become Buddhist nuns and restricted assemblies at a Christian pilgrimage sites.

Members of the Muslim Rohingya minority in Arakan State, on the country's western coast, continued to experience severe legal, economic and social discrimination. The government denied citizenship status to most Rohingyas on the grounds that their ancestors allegedly did not reside in the country at the start of British colonial rule, as required by the countries highly restrictive citizenship law. In 1991-92, tens of thousands of Rohingyas fled from Arakan State into Bangladesh following anti-Muslims violence. Many of the 21,000 Rohingya Muslims still remaining in refugee camps in Bangladesh have refused to return to Burma because they feared human rights abuses, including religious persecution, as well as other government restrictions. Returnees complained of government restrictions on their ability to travel and to engage in economic activity. As a matter of fact, Muslims in Rakhine (Arakan) State have been compelled to build Buddhist Pagodas as part of the country's forced labour programmes as well as participation in religious activities of other group.

During the spring of 1999 the MIS and the government-sponsored mass organisation, the Union Solidarity and Development Association (USDA), distributed anti-Islamic booklets throughout the country. Other reports gave that there were instigation or toleration of violence against Muslims in Burma. Some reports suggest that preceding localised anti-Muslims violence in June 1996 in Rangoon, individuals affiliated with MIS and members of the pro-government National Unity Party (NUP) publicly distributed to members of the Buddhist community anonymous anti-Muslim booklets that contributed materially to anti - Muslims violence. In the spring of 1997, the anti - Muslims riots occurred in cities throughout the country. Although government security forces effectively protected the Muslim population, they did not protect businesses owned by Muslims or Islamic religious sites; about 40 Mosques were destroyed, damaged or looted between mid-March and mid-April.

According to the reports of NCGUB/HRDU, in 1998, in February 1997 during an offensive against KNU forces, government soldiers targeted the Muslim community in Karen State, burned Islamic schools and mosques, forcibly relocated about 4,000 Muslims from 4 villages in 'Kya-ein-Seik-kyi District,' and killed two male Muslims in 'Kyo Ta village' by slitting their throats. The soldiers reportedly destroyed mosques in 6 villages and looted a seventh mosques 'Dooplaya District'. They also reported that in 1998 that, according to Muslims refugees at a camp in Thailand, government authorities sometimes did not permit Muslim refugees living in Karen refugee camps in Thailand to return to Burma unless they first converted to Buddhism. Even though the government reportedly contributed to or instigated anti-Muslims violence in Arakan State in 1991.

in Shan State and Rangoon in 1996 and cities throughout the country in 1997, its reported ability to do so repeatedly reflect widespread prejudice against Muslims. On March 11, 1998, by the government forces and the 200 DKBA troops reportedly attacked a Karen refugee camp in Thailand, killing 4 persons, injuring 60 persons and burning churches and a mosque as well as 1300 dwellings.

A report in 1997 desecration of major Buddhist Shrines also remained unresolved. In early March 1997, reports that an ancient and highly venerated image of the Buddha in Mandalay's 'Mahamyatmumi Pagoda' had been broken into, and that large rubbles enshrined in it had been stolen, contributed to widespread public protest demonstration by Buddhist monks and laypersons demanding an investigation of the incident. This reported desecration was widely alleged to have been committed by covered operatives of the security forces, although this has never been proven. At the time of this reported desecration, the Government's foreign exchange reserves were critically low, It has also been alleged that the government internal security operatives instigated the anti-Muslim riots that occurred throughout the country in late March - April 1997, in order to divert Buddhist angers against the government in connection with this reported desecration. There has been no public judicial inquiry into this desecration.

There was a communal riot in Akyab, the capital of Arakan on February 4, 2001 where large Muslim village tracts were razed to the ground and hundreds of Muslims were killed and injured during the clash widely believed to have been masterminded by the junta.

In May 2001 a reliable source also reported that a total of 14 mosques and 140 Muslim houses have been reportedly de-

stroyed by mobs led by monks in Taung Ngu Township alone and there were reports of possible escalation of riots in Rangoon and in a number of towns. Curfew has been clamped on many towns of Burma as part of precautionary measures overtly taken by the regime.

It was also mentioned that, the ruling regime has recently ordered for demolition of Muslim religious centres in Maungdaw and Buthidaung. Burma, says reports, has demolished 26 religious buildings including religious schools from May 14 and many religious leaders, who opposed such action of the regime went into hiding, while many have been detained.

The 'Burmese Rohingya Association in Japan (BRAJ)' felt it imperative to appeal the government and people of Japan, international community, ASEAN member countries, European Union and the UNO to press the Burma military junta so that it would give full protection to the religious institutions and the Muslim ethnic minority, ensuring their security of life and property. There were some other Rohingya organisations in exile appealed to their respective government and people as well as international community to pursue the military junta so that it would give protection to the minority Muslims in Burma.

In the words of Mr. Mohd. A. Alam a Rohingya leader in exile, "Hundreds of Mosques have been demolished and locked up. Religious schools are occupied and turned into army barracks, and Buddhist temples. Filth and stones are thrown at the mosques while prayers are going on. Garbage is dumped on the gate of mosques. Endowments mosques and religious schools are confiscated and distributed among Buddhists. Soldiers often enter into mosques with shoes on and enjoy drinking bouts therein. Religious dignitaries are whimsically beaten up and engaged in slave labour. Beards of such people are

plucked, shaved or burned."

The military is dotting the whole Rohingya homeland, particularly the two bordering townships of Maungdaw and Buthidaung where 95% to 97% Muslims inhabit, with hundreds of pagodas, monasteries and Buddhist temples followed by planned settlements, with a view to changing the age-old features of the Muslims Arakan and to making a clean sweep of the Rohingya population. The whole Rohingya villages have been emptied and have been driven by the army from their homes, occupation and turned into either refugees in Bangladesh or internally displaced. The Rohingya lands and properties have been confiscated and distributed to the new settlers. The Muslims have been forced to provide everything free to those hostile settlers, from construction of houses, roads, pagodas, temples, giving away agricultural lands and cattle to all other needs and essentials. These settlements are being erected surrounding the Muslim villages in all strategic places. On the other hand, the military seriously restrict the Muslim to renovate, repair and maintain the existing mosques, religious schools, and Muslim relics, Muslim archaeological remains and historical places while disallowing them to build anything Islamic or Muslim's with permanent structures. Many mosques and religious centres have been destroyed and closed down."

The current military junta, SPDC, after taking the state power in 1988, started demolishing the Islamic Mosque and religious School particularly in Maungdaw and Buthidaung Township. In 1989 the government closed down the Maungdaw's Tabaliq Mosque near the Maungdaws high school is now turned into fire brigade. In 2001 and 2002, the Na-Sa-Ka dismantles hundreds of mosque in the village tracts of Maungdaw and Buthidaung Townships. For instances, the mosque in Dodan

village, Hatpara village, Bowlibazar village in the northern Maungdaw and Godasara village, Bakguna, Merulla etc. villages of Southern Maungdaw.

Burma has a long and unfortunate history of violence against the Muslim community of Burma. It is common practice of successive ruling juntas to create an issue and make the Muslims scapegoat whenever it faces strong dissension from the masses. In the words of Alan Clement, "in January 1992, seven hundred Muslim youths died of suffocation after being herded into warehouses. SLORC troops have open fire inside a mosque, killing 200 Muslims at prayer. Muslims women were being gang-raped and left to bleed to death, while their crying children were thrown on the road-side."

Democratic Voice of Burma (DVB), Oslo, on 26th December 2000, relayed that SPDC is creating mistrust between monks and Muslims by distributing books and tapes urging the monks to get involve in politics and crush the Muslim faithful. According to some monks and abbots, they think it is the act of SPDC to create a religious conflict between the Buddhist monks and the Muslim brethren. To cling in power the junta always uses Muslims as scapegoat whenever it faces crisis.

According to the reports of Human Rights Watch July 2002, during much of 2001, there was increased tension between Buddhist and Muslim communities in Burma at times erupting into violence. News of the violence was quickly suppressed, however, and little detailed information about what took place reached the outside world. The government has failed to take effective action to protect Muslims in Burma, imposed restriction on Muslim religious activities and travel both inside the countries and abroad and taken no action to punish those responsible for destroying Muslim homes and mosques.

After the September 11, 2001 terrorist attack in New York and Washington D.C. the movement and religious activities of Muslims in Burma, restricted more tightly. The SPDC imposed official restrictions on the freedom of Muslims to congregate in Mosque as well as restriction on their ability to gather in groups for prayers in private homes.

Although there is no official state religion, the Burmese military government actively endorses Theravada Buddhism in practice, as have previous governments - both civilian and military. The government is increasingly seen identifying itself with Buddhism. The state controlled media often shows military leaders and government ministers paying homage to Buddhist monks; making donations to pagodas throughout the country; officiating at ceremonies to open, improve, or restore pagodas; and organising forced donations of money, food and labour to build or refurbish Buddhist Shrines throughout the country. State-owned newspapers regularly feature slogans and quotations from Buddhist scriptures. While undoubtedly motivated in part by religious conviction, this close identification is also seen by many observers as part of the military's strategy to find some form of legitimacy for its rule.

Over the decades, many anti-Muslim pamphlets have circulated in Burma. One of these, *Myo Pyauk Hmar Soe Kyauk Saya* (or *The fear of losing One's Race*) was widely distributed by government agents in 2001.

Where is freedom of religious for the minority people in Burma? In fact there is no freedom of religious especially for Christians and Muslims.

Chapter-18

The Akyab Massacre in 2001

In 1967 bulk of the rice produced in Arakan was carried away to Rangoon by Ne Win's military regime causing rice shortage in Arakan and many people had died of starvation. Continuous hunger provoked anger among the people of Akyab and a riot erupted which deploying army at the scene who gunned down many on the spot crushed down. Persons seriously injured but still alive were said to have been dumped in mass graves in unknown places of Akyab. The irony dictator Ne Win showed his brutality to the Arakanese people as a first time.

On November 17, 1994 there was communal violence in Akyab, in which Rakhine students attacked the houses and shops of Muslims. The attacks continued for three days and mosques were also attacked. The authorities responded only belatedly when the mob surrounded the office of the Vice-Consul of Bangladesh and threw stones. As the local authorities did not respond to the complaint, the Vice-Counsel had to inform the Ambassador of Bangladesh in Rangoon, who complained the matter to the SLORC. The SLORC promptly sent back the Arakan State Commander who was attending the meeting of SLORC in Rangoon to stop the riot against Muslims and Bangladesh's office. At least two Muslims were killed, one of them a pregnant woman and several others were wounded.

Whenever Burmese military government faced political hardship, it tries to create communal riots. At present SPDC is confronting various internal and external difficulties, so, it has been deliberately organizing a rampage against the Muslim community of Arakan. For months there has been sporadic lootings,

extortions and killings throughout the Arakan State, especially in the Muslim majority area of North Arakan. This campaign is being systematically organised and carried out by the government through their adopted agents who used to do all unscrupulous things against the Muslim. It is only to divert the political attentions of the public.

One of the fresh genocidal rampages was started from the beginning of February 2001 in Akyab, the capital of Arakan State at the very presence of military personnel and police forces.

It started on 4th February 2001 at 8:00 P.M. local time in Aung Mingalar Quarter in Akyab. A group of thugs in disguise of Buddhist monks attacked and looted a young girl vendor. When her husband resisted the attack, the thugs grew larger. Many monks and hooligans came out from nearby monastery and Buddhist settlement with knives, sticks, spears and other deadly weapons plus petrol to set the house on fire. They became more violent, started looting and setting houses on fire.

An estimate of 150 to 180 Rohingya Muslims killed, more than 500 seriously injured, 200 missing, including women and children and thousands left homeless in a planned way of secret killings. Soon after starting provoked quarrel and then they have started set fire on Mawlike Junction Mosque and house each belonging to U Ali Hussain, U Aung Thar Tun, U Kyaw Sein, U Mynar, U Hla Myint, U Mohamed Sultan, U Rafique and Daw Marium. The Maung Kaba tea stall and Siraj Medicine Shop etc. all along the Main Road, Akyab. All virtually Muslim properties were set ablaze by the unruly Buddhist mob. The riotous mob abducted 10 - 18 Muslim teenage girls and 14-16 Muslim youths from Gon Boarding where they stayed as visitors from Buthidaung, Maungdaw and Kyauktaw Townships etc. There is not a single trace of them till now. At an-

other stage, just before the incident takes place, all telephone communication facilities of local Muslims had been cut off but the entire Buddhist ones have been functioning.

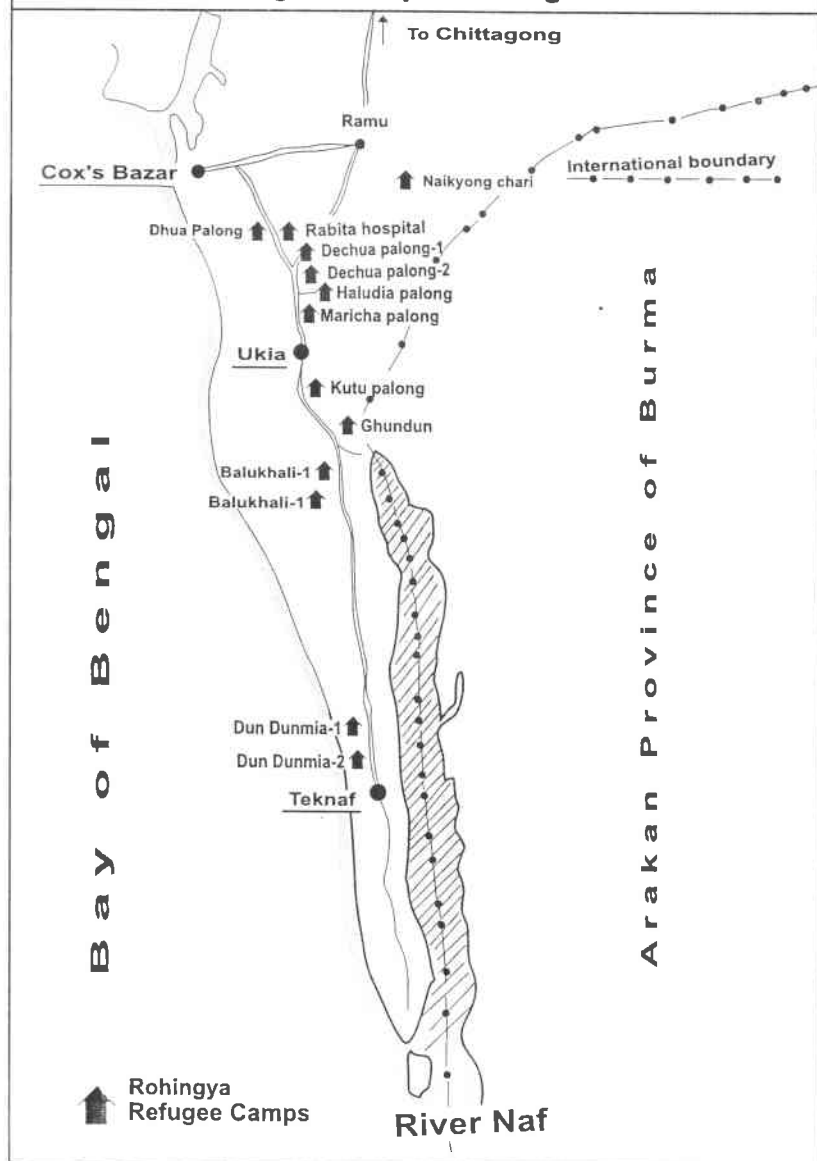
When the Muslim victims of the riot contacted the Army and police to seek help, the police station as well as Army camp, both did not answer. Still the panic-stricken Rohingyas are yet to be rescued by the law enforcing agencies of Burmese regime. Although the SPDC authorities imposed a dusk-to-dawn curfew in the city from 6th February 2001, the Buddhist Rakhines could walk without hindrances but the Muslim Rohingyas could not move in and out. The dead bodies were thrown away by the army and not given to Muslims for burial. From February 4-6 the anti-Muslim riot swept through the Muslims areas of Mawlike Ward, Molvipara ward, Nazir Ward, Rohingya Para ward, Sakki Bazzar ward and Kaoshy Para, Amla Para Ward were as many as 600 houses including 4 Muslim owned Boarding were burnt down. On 8th February one Mosque and 20 houses were burned down in Kyaukphyu Township in Arakan State. On 9th February 8 Muslim houses in Rathedaung Township and 11 Muslim houses in Pauktaw Township were burned down. Yet the Rakhine had been inflicted on Rohingya houses residences and Mosque in Kyaukphyu, Kyauktaw, Minbya, and Rathedaung towns. The Jamay Mosque of Kyauktaw was partially destroyed. Partial destruction of Mosque in Kyaukphyu, Minbya and Pauktaw were also reported. Most of the houses, stores, go-downs and housing shops were burnt down by mobs. There were goods worth of million Kyats. It is estimated the lost of material thousand million in Kyats.

Human Rights Watch reported in its July 2002 report; violence against Rohingya Muslims in Arakan is a way of life. In Arakan

the Burmese army carries out the violence against Muslim systematically. The report continues, police and soldiers reportedly stood by and did nothing to stop the violence initially. It was several hours before they intervened. According to a local resident it was only when the police realized that the Muslims were fighting back and killing Buddhists that police acted, shooting their weapons into the air. When this did not disperse the crowds, another sixty police reinforcements arrived in a truck and began to shoot directly at the Muslims according to other local residents. 'There were several dead bodies in the streets,' said one eyewitness.

The Burmese junta has been pursuing a policy of divide and rule in Arakan and is afraid of Rohingya and Rakhine unity. Creating such religious and ethnic riots help them rule Arakan. The riot in Akyab will lead the Muslims to feel that Akyab is unsafe to stay and Muslim presence there will drastically fall and their economy will be ruined. Muslim students in Akyab College were also attacked and their fate was also unknown. The government calmed down the entire affair by force without finding out the actual culprits and punishing them to avert recurrence of such riots. Instead they were warning the entire Rohingya population not to take any reprisal and if it happened, government would take punitive action. Maungdaw was under curfew backed by yet again by the brutal police force that was determined to crush any Muslim uprising with iron hand. Buddhist quarters in Maungdaw and adjoining areas were well - guarded against any possible Muslims attack. Muslims from Maungdaw and Buthidaung are totally barred to travel to Akyab since the anti - Muslim riot of Akyab.

Distribution of Rohingya Refugee Camps in Bangladesh



PART II

BURMESE ROHINGYAS IN JAPAN

BURMESE ROHINGYAS IN JAPAN

In 1988, Burma experienced a large scale civil unrest when millions of people with students in the forefront, staged peaceful demonstrations in capital Rangoon, Mandalay and forty other cities, including Akyab, Buthidaung, Maungdaw for an end to 26 years of one party rule by the military dominated Burma Socialist Program Party (BSPP) and the government of Dictator General Ne Win. Led by students from universities and colleges demonstrators demanded resignation of military government, dissolution of BSPP and an interim government to be headed by a civilian until a parliamentary democracy could be introduced. They also demanded the restoration of long restricted civil and political liberties including the rights to freedom of expression and association. The violent measures to suppress the demonstrators during the first half of 1988 resulted in thousands of deaths. Some peaceful demonstrators were deliberately killed while others arrested in street clashes and injured or died in jam-packed trucks due to suffocation or in detention canters. Security forces failed to halt the demonstration and on 23 July 1988 General Ne Win had to resign and Gen. Sein Lwin, the butcher of 7th July 1962 students strike was appointed as the Chairman of BSPP and President of the government. Despite the blood bath the students and the people stood against the newly installed government resulting in the removal of Sein Lwin after 17 days in power. A week later Dr. Maung Maung was appointed as a new civilian President by the army. On August 8, 1988 (8888) the students together with the people mounted massive demonstration all over the country and on 25 August they took over all BSPP offices. The government employees joined the movement, which led to civil

disobedience in the country. Thus, the civil administration was taken over by the people's committees formed by students, monks and pro-democracy activists. The crisis deepened further as the entire police force and a good number of the civil servants, service men from Navy, Air force and Infantry joined the people. Then the government was non-functional and street demonstrations were continuing for political reforms.

On 18th September, the army led by Gen. Saw Maung seized the state power from Dr. Maung Maung and formed State Law and Order Restoration Council (SLORC). The students, monks, and people with anger and frustration resisted the military take-over. Serious street battles took place at Rangoon and other cities on 18th, 19th and 20th September. Like lightning the army unit appeared shooting the crowds. By the first week of October the resistance was crushed, leaving behind thousands death. Massive arrests and summary executions further subdued the pro-democracy movement. A large number of students and democracy activists fled cross the border into the neighbouring countries.

After the 18th September 1988, a large number of Rohingyas fled the country to escape persecutions. In 1991-92 more than 2,50,000 Rohingyas fled neighbouring Bangladesh as refugees. Some of Rohingyas came to Japan in early 1990s. They joined Burmese Association in Japan (BAIJ). While participating as the active members of BAIJ, Rohingyas always felt to have an organisation of their own to ventilate their guineas. Thus the Rohingyas in Japan formed their own organisation on 16th August 1994 at Oniya City, Saitama Prefecture, Japan, the name of their organisation is "Burmese Rohingya Association in Japan (BRAJ).

It is an International Organisation of overseas Rohingyas working for the restoration of democracy in Burma and the basic human rights of the Rohingya people. The main objectives of BRAJ are to promote human rights and to restore democracy in Burma.

Accordingly, the BRAJ is going to declare the following objectives:

- (1) To struggle together with all the nationalities of the country, in order to end the "Military dictatorship" in Burma and to restore Democracy, Human right and freedom with the equality and self-determination of all national ethnic groups of the country and to reconstruct and rebuild the "Union of Burma" on the basis of genuine "Federalism".
- (2) To work hand and hand with all other Burmese political groups and their representatives in the matter of Burma Affairs.
- (3) To strengthen friendship and co-operation with all Burmese nationalities in Japan.
- (4) To develop and strengthen friendship with Japanese people.
- (5) To organise and consolidate the unity of the Rohingyas in Japan.
- (6) To under take social welfare activities among the Rohingya people living in Japan.
- (7) To collectively solve problems and difficulties of the Rohingyas living in-Japan.
- (8) To co-operate and work together with Rohingya political forces in the matter of Rohingya Affairs.

According to their objectives the BRAJ members are being participated in the demonstrations against the military govern-

ment occasionally held in front of their Embassy in Tokyo and other venues. The BRAJ issued the statements and their stand with the respective memorial days and condemned the military government for being failed to live up their previous promises and to respect peoples' will. It also distributed to the international governing bodies and human rights groups the human rights violation reports bi-monthly. The BRAJ is also working very closely with the Peoples' Forum on Burma (PFB), the only Japan-Burmese joint NGO in Japan. It published a very valuable Rohingya historical book in 2001 namely "The Union of Burma and Ethnic Rohingyas" in Burmese language. The book is recognised as a historical document by scholars and many other politicians as well as remarkable Burmese people worldwide. The BRAJ held several symposiums at the Japanese Universities and human rights institutions regarding human rights violation of ethnic minorities in Burma in the year of 2001 and 2002.



A meeting with the Secretary General of Social Democratic Party of Japan Ms. Mizuho Fukushima and BRAJ President & Vice-President regarding Human Rights Situation in Arakan



BRAJ President Zaw Min Htut Explaining the Human Rights Situation in Arakan to Mr. Perrie Sane, Secretary General of Amnesty International (Headquarters) in Tokyo on 6th December 2000.



Zaw Min Htut, the President of BRAJ Delivering a Speech on Human Rights Day in Tokyo Regarding Rohingyas Human Rights Situation in Arakan State of Burma.



BRAJ Members Demonstrating Against the Burmese Military Junta on Human Rights Day in Tokyo

A LETTER TO UNITED NATIONS (UN)

His Excellency Kofi Annan,
Secretary General,
United Nations Headquarters,
New York,
U.S.A.

Your Excellency,

We, the Burmese Rohingya Association in Japan (BRAJ) are presenting you with this manuscript illustrating the accurate historical facts and ethnic origins of the Rohingyas. We believe it is necessary that the international community is made aware of the problems (political and humanitarian) faced by minorities in Burma.

Since the Burmese military regime the State Peace and Development Council (SPDC) took control of Burma, it has repeatedly imposed harsh and oppressive restrictions on the inhuman rules to the Rohingyas, enabling their expulsion and to enforce their alienation and statelessness from Arakan, Burma.

The reconciliation process, which is committed by international community, can be successful through tripartite dialogue in Burma where about 140 ethnic minorities are living side by side. The SPDC (State Peace and Development Council) which has subjected the Rohingya people to large scale persecution, genocide, ethnic cleansing, expulsion and extermination while reducing them to a position of stateless people in utter disregard of their (Rohingya's) history, glorious past and sultanate in Arakan, northern Burma.

The issue of the Rohingya people should be studied and as-

sessed in the context of Arakan not in the context of present Arakan and Burma have two different histories. Arakan was a sovereign independent kingdom and was never a part of Burma until Burmese invaded and occupied it in 1784. In order to perpetuate their illegal occupation of Arakan, the successive Burmese governments have been ruling Arakan with the inherited policy of "divide and rule" by way of misleading propaganda against the Muslim Rohingya, while putting the two, otherwise peaceful living sister communities of the Muslim Rohingya Arakanese and Buddhist Rakhine Arakanese at Loggerheads.

Arakan with an area of over 36,000 square kilometres was long famous to Arabs, Dutch, Portuguese and British traders as a land of economic opportunity and is situated in the tri-border region between modern day Burma, India and Bangladesh. Arakan is on the front-line between the Islamic and Buddhist world of Asia and is a natural physiographic unit completely separated from the rest of Burma by the long mountain range of Arakan Yoma.

Throughout the history, Arakan maintained a very close socio-economic, political, cultural, trade and commercial, ties with Muslim Bengal. Under different period of history, Arakan had been an independent sovereign monarchy ruled by the Hindus, Buddhists and Muslims. Muslims influence and rule in Arakan lasted for more than 350 years until it was invaded and occupied by Burmans in 1784 A.D.

Various historians and scholars have recorded that Islam began to spread from the eastern bank of Meghna River (in Bangladesh) to Arakan since eight and ninth centuries, that is long

region. Since then the Muslim influence in Arakan grew fast and was consolidated fully by 17th century. This extensive Muslim influence on the Arakanese society was not an outcome of some sudden occurrences. But it was a result of an age-long intercourse between Arakan and Muslim countries that dated back to the period of Arab contacts with Arakan during the reign of Maha-Taing Tsandaya (788-810 A.D).

Your Excellency,

Arakan without Rohingya is meaningless. Throughout the history Arakan was thrived mainly by the activities of the Rohingya community. Arakan is a historical homeland of both the Rohingyas and Rakhing. To regard Rohingya as aliens is a sheer misconception of history. Regarding the origin of Rohingya with their thousand years establishment and glorious past in Arakan the following realities may be mentioned in their historical context:-

- (1) The Rohingyas trace their ancestry to Arabs, Moors, Persians, Turks, Moghuls, Bengalis and Indo-Mongoloid people. The first group to leave its mark upon culture of Arakan were the Arabs who carried out trade and commerce turn the Indian ocean an Arab Lake with their continued contacts with Far East while settling down permanently in the coastal areas Rohang, the old name of Arakan was a very familiar region for the Arab seafarers even during the pre-Islamic days. The descendants of the mixed marriages between the local people and the Arabs founded the original nucleus of the Rohingyas in Arakan. Major Irwin, the British Military Commander in Arakan during Second World War, thus stated that the Rohingyas still carried the Arab names.

faith, dress and custom.

- (2) "Sayed Mohammed Hanifa, one of the sons of Hazarat Ali, the 4th Calipha of Islam reached the coast of Arakan en-route to China after losing a battle at Karballah (Kufa) in 680 A.D. When he first reached Arabsha Para, a place north of present Maungdaw town in north Arakan, with his followers by a fleet of junks-sailing ships then used by Arab - they were confronted with the Cannibal Queen name Khaira Pari or Kayapuri who was then ruling the reign. A bloody battle was broke out between them and it was own by Mohammed Hanifa. Mohammed Hanifa subjugated the Queen who along with all her followers embraced Islam. He then married her and passed the rest of their life in great devotion of Islam. They became famous as saints. After Kayapuri's death she was buried on one of the peaks of Mayu Range (Hills) easily accessible both from Maungdaw and Buthidaung townships. When Mohammed Hanifa died he was also buried by her side on another peak of the same range. These two ancient tombs are traditionally known as "Hanifa Tonqie (shrine) and Kayapuri Tanqie."
- (3) The Badar Mokam, the shrine (resting place) of Pir Badar Al-Din Dadar Alam was constructed in 1736 or 1756 A.D. (associated with the name of great saint Badar Shah) at Fakir Point of Akyab is one of the prominent shrines of Arakan as well as outstanding memorials of Muslims' early settlement in Arakan. There are large number of similar glaring evidence and documents of Muslims settlements in Arakan.

- (4) History tells us that Maha Taing Chandra ascended the throne in 788 A.D. He built up the capital city of Wesali and ruled the country for 22 years. During his reign a number of Arab traders due to shipwreck had to take shelter at the Coast of Rambree Island. They were called the Arab or Moor. They were ushered to the capital city of Wesali for various reasons. King Maha Taing Chandra patronized them well and fulfilled all their needs. The King became fond of their craftsmanship and they were located in the capital city of his country. They married the native women. These people had abandoned their traditional interests in trade and took up husbandry and propagation of Islam.
- (5) In 1224 A.D. the King of Arakan carried to Arakan a number of 47, 500 captives from Bengal, in a single time, and was settled in the country in planned way. This fact is admitted by a Rakhine (Arakanese Buddhist) political party, "Arakan People Democratic Front" in their recently published booklet "The Bengalis of Arakan and the problem of their History".
- (6) Another wave of Muslims came with the setting up of the independent Kingdom of Arakan during the reign of King Sulaiman Shah in the 15th century. As a consequence of the Burman invasion in 1406 A.D. Narameikhla, the king of Arakan, took refuge at Guar, the then capital Muslim of Bengal, where he stayed for 24 years, in 1929 Sultan of Guar sent 20,000 troops under Gen. Wali Khan to drive of the Burmans and restore Narameikhla. But Narameikhla was not enthroned and was arrested by Gen. Wali Khan over some disa-

greement and took possession of Arakan for himself. However, Naramekhla escaped away to Guar. Wali khan ruled Arakan, introduced (Muslim Jurists). A year later, at the request of Naramekhla, the Guar King despatched another 30,000 troops under Gen. Sandi Khan who disarmed Gen. Wali Khan and restored Naramekhla to the throne. Naramekhla took the Muslim title of Solaiman Shah and established a dynasty at Mrauk-U with the settlement of these 50,000 troops with their families, the strength of the Muslim increased gradually to the extend that Arakan had turned into a Sultanate and Islam had flourished to its Zenith. The court was shaped on Guar and Delhi and its kings adopted the Muslim titles of Padshah. Persians was adopted as state language, which continued up to 1845, that is 21 years further beyond the conquest of Arakan by the Britisher. One of the preconditions for Mrauk-U kings before their ascension to the throne one of the Arakan was that they were to be graduated in Islamic Studies. Coins, medallions were inscribed with "Kalima" (the profession of faith in Islam) in Arabic script.

Col. Ba Shin the then Chairman of the Burma Historical Commission stated that Arakan was virtually ruled by the Muslims from 1430 to 1531. The Quranic verse "Aquimuddin" (establishment of God's rule over the earth) was the state emblem of Arakan. Even the Buddhist women of those days practised "Purdah" (veil system). During this more than 100 years of Muslim rule, large numbers of Muslims from Chittagong migrated and setteled in Arakan. Henceforth the Arakanese

administration continued to bear definite Islamic stamp.

- (7) According to Dr. Than Tun, the Rector of Mandalay University and Professor of History "the kings of Arakan had Muslim titles. The Muslim king mentioned in the Kyaukza (stone plates or stone tablets inscriptions) of 1442 might be Rohingya from the Mayu Valley of the eastern Naf River (and the western Kaladan river) who claim their existence of over thousand years. Their existence might be from the time of 1202 C. E. when their co-religious Muslim conquered Bengal, that is 800 years. It was written in the Kyaukza of 1442 that there were some Muslim kings of Arakan who were very friendly with the King of Ava."
- (8) Another wave of the Muslims came to Arakan was that of the large numbers of Muslim soldiers, noble's courtiers and intellectuals who accompanied prince Shah Shuja, the son of the Mughul Emperor Shajahan, when he came to seek refuge in the court of Arakan in 1660 after the war of succession.
- (9) During 16th century, from about 1580 till 1666 A.D. nearly a century, Chittagong was under almost uninterrupted Arakanese rule. During this period the awful piratical activities and slave trade of Magh-firingi reached to a peak. They plundered and destroyed bank of Ganges, which practically depopulated a huge portion of lower Bengal. They carried off the people who also included people of noble origin highborn persons and Sayyids. A large number of them were employed in the service of the Arakanese kings, governors, landlords and high civil and military officials, as soldiers,

courtiers, court poets, and attendants and in agricultural activities. With them the Rohingya population of Arakan had increased to a great extent.

- (10) Throughout the history of Arakan maintained a very close socio-economic, political, cultural, trade and commercial ties with Muslim Bengal. Not only people of different regions but also the people of Kashgar, Bukhara, Afghanistan etc. frequently visited Arakan.
- (11) The Rohingyas preserved their own heritage from the impact of the buddhists environment. They have developed a language of their own from Arabic, Sanskrit, Bengalis, and Urdu, which serves as a common source of contact within the Rohingya community. Literatures flourished especially during the 15th century. Important writers and artists developed the art of calligraphy. Painting in Mughal style also flourished in Arakan during this period. The Rohingyas have songs and music of their own. Even in the face of present Burmese politics, the Rohingya Language and culture have not lost their importance. The Rohingyas are proud of their cultural heritage and are deeply conscious of belong to a distinct cultural group. They have always remained an identifiable entity. The British Colonial administration itself acknowledged their separate and distinct identity.
- (12) The influx of Refugees from Arakan into Bengal was almost an intermittent phenomenon in Burma's history. This resulted in the development of different ethnic groups in Chittagong of present Bangladesh, such as Chakmas, Maghs, Baruas and the Rohingyas. Today the presence of large number of Rohingyas in Bangla-

desh developed not as a result of a single exodus from Arakan, but of many such exoduses. They are C.E. 957, 1044, 1544, 1660, 1666, 1752, 1784, 1785, 1796, 1798, 1811, 1930, 1938, 1942, 1950, 1955, 1959, 1966, 1967, 1973, 1975, 1978 and 1991-92. All of these years are related to either Mongolian or Burmese invasion of Arakan or postcolonial internal control problems and planned extermination of the Rohingyas. The outflow of Rohingyas from Arakan is still continuing due to continued persecution of the military regime against them.

- (13) After 1826, when the British took over the administration of Arakan and Tennesserim law and order situation returned to normal in Arakan. The Arakanese Muslims and Buddhists who took refuge in Bengal (as mentioned above) during Burman rule began to return to their homeland (Arakan) after a span of more than 40 years. But many of their relatives were left behind in Bengal of which the Muslims are till today known as "Roai." During British rule, there had been renewed relationship between the people of Arakan and present Bangladesh as there remained no political boundary. There had been free movement and free trade between the Muslims of the two sides of the Naff River.
- (14) The Rohingya's tryst with repression began as early as 1937 when the British government separated Burma from India and allowed semi self-government. Since Burma achieved full independence on 4th January 1948, there have been 17 full-fledged armed operations with hundreds of communal riots against the Rohingyas in a

ghastly effort to exterminate them. There is constant beeline of Rohingya escaping from Arakan into Bangladesh onwards to India, Pakistan, Gulf-states, Saudi Arabia and also Thailand and Malaysia. 1.5 million of Rohingyas had already been expelled from the hearths and homes since 1942 by means of genocide, persecution, torture and rape. It may be mentioned that in the pogrom of 1942 as many as 100,000 innocent Rohingyas were massacred, hundreds of their villages were burned down while over 50,000 of them took refuge in North Bengal who were not allowed re-entry even after independence of Burma.

- (15) It may be stressed that in 60 years of continued repression, many times the Rohingyas had become refugees and a number of times they had returned to their homeland after some months stay in the refugee camps but their problem still remain unsolved. There was never an attempt to resolve the issue of the Rohingyas. If the world wishes to resolve the problem once and for all, it must aim towards permanently stopping the flow of refugees into Bangladesh and guarantee the Rohingyas basic human rights and freedom in their own homeland. Mere repatriation of the refugees from the refugee camps in Bangladesh to Arakan, Burma is not solution to the Rohingya problem, which is entrenched in a long and brutal policy of political, economic, social and cultural repression and religious persecution on the part of the Burmese regime. It is also elimination of an indigenous people of Arakan and it cannot be suppressed as Burma's local issue. It may be mentioned that bilat-

eral agreements that were signed between the governments of Bangladesh and Burma in 1978 and 1992 have never addressed the more fundamental and long-term problems faced by the Rohingyas in Arakan.

- (16) International community, particularly Bangladesh, should not only be concerned with getting itself relieved of the refugees burden and thus to consider it expedient to over look the basic cause of the problem as well as their status, safety and rehabilitation after they have returned to Arakan. In spite of the conclusion of repatriation agreement the exodus still remains unabated. Had there been any congenial atmosphere in Arakan such exodus would never have continued from day to day. It is disappointing that the SPDC is not accepting all refugees unconditionally.
- (17) All the Rohingyas with their refugees are by all legal standards, nationals of Burma, on indigenous people of Arakan. They have been recognised as such by the previous elected governments with members in the parliament, having a programme as an indigenous people in the official Burma Broadcasting Service (BBS) and participation in official "Union Day" celebration of Burma's racial groups in the Burmese capital every year. Before the military autocratic rule, all the elected governments (former Prime Minister U Nu and U Ba Swe) announced, "The Rohingyas are equal in every way with other minority races like the Shan, Kachin, Karen, Kayah, Mon and Rakhine. They have lived in Burma for ages, according to historical facts. They are of Islamic faith. There is historical evidence that they have

lived faithfully and harmoniously with other races of the Union."

- (18) The SLORC/SPDC's rejection of all previous records and its refusal to accept the Rohingyas as Burmese nationals is not justified. But, their history, civilization and the elected government's statements unambiguously and unequivocally make it evident that:

(a) The arrival of the Rohingyas in Arakan has predated the arrival of many other peoples and races inhabiting Arakan and Burma.

(b) The Rohingyas are nationals of Arakan and constitute one of the many indigenous races of Burma, like Shan, Chin, Kachin, Karen, Karenni etc. now inhabiting Arakan and other parts of Burma. (c) By history, by tradition, by culture and by civilization, the Rohingyas are as much citizens of Burma as anyone else in the country.

The policy of the military SPDC is to rid Arakan of the Muslim population and replaced them with non-Muslim community. This is a racial card being played by the military. In May 1991, Amnesty International reported, "Rohingya Muslims are targeted for repression by the Burmese security forces simply because they belong to particular religious minority. The Asia Watch reported in May 1992. " the military SLORC thought that it could muster a great deal of support from its domestic critics if it targeted the Rohingyas", because anti-Muslim sentiment is always very strong in the country. Medicines Sans Frontiers (MSF) in a press release issued on 26 November 1992 said, "It listed Rohingyas

as one of the ten world population in danger."

- (19) To solve the Rohingya problem once and for all it needs a viable political solution without which the Rohingyas will continue to be battered over again and their problem will never end. To this fact we invite the attention of the international community. The United Nations may be apprised that the ruling Burmese military SPDC is a regime characterised by brutality and is bent on exterminating the Rohingya people from Arakan by use of force, distorting their history, spreading malicious propaganda, perpetrating genocide and grave human rights abuses against them. Meanwhile we would like to request the United Nations for the following:
- (a) To explore a permanent solution to the outstanding Rohingya problem within the frame work of international law, pacts, human rights and other international practices;
 - (b) To pressurize SPDC to nullify Burma citizenship law, 1982 and recognise the Rohingya people of Arakan as one of the indigenous nationalities and therefore, natural citizens of Burma;
 - (c) To urge SPDC to give and guarantee the Rohingyas all their due rights at par with other national groups of the country.
 - (d) To pressurize the Burmese military SPDC to withdraw all oppressive government agencies from Arakan and to stop military operations aimed at driving the Rohingyas out of their homeland;

- (e) To continue assistance to the Rohingya refugees particularly for their basic necessities like foods, clothes and medicine;
- (f) To urge SPDC to stop all kinds of human right abuses and release all political prisoners and politicians implicated in false crime cases in Arakan and in all Burma.
- (g) To open peace dialogue with Rohingya representatives in order to secure a lasting solution to the Rohingya problems;
- (h) To mount effective pressure on the SPDC for the initiation of the meaningful "Tripartite Dialogue" with Daw Aung San Suu Kyi, the leader of the National League for Democracy (NLD) and representative of the non-Burman ethnic nationalities including Rohingyas of Arakan.

We pray for your Excellency's longevity.

Your Excellency's Sincerely,

Zaw Min Htut

President

Burmese Rohingya Association in Japan (BRAJ)

Tokyo, Japan

Dated: August 5, 2002.

Copy To.

The governments of United States, United Kingdom, France, Canada, Japan Australia, Malaysia, Germany, Pakistan via their respective Embassies in Tokyo.

A LETTER TO THE GOVERNMENT OF JAPAN

Her Excellency Yoriko Kawaguchi,
The Honorable Foreign Minister,
Ministry of Foreign Affairs,
Government of Japan.

Your Excellency,

At the very outset, we, the members of the Burmese Rohingya Association in Japan (BRAJ) express our heartfelt gratitude to your Excellency with the people and the Government of Japan for your continued sympathy and support towards the cause and case of the oppressed and persecuted Rohingya people in Arakan state, Burma and their refugees.

We have all along been witnessing with admiration the wisdom and dynamic leadership your Excellency has displayed in talking the international issues particularly your commendable role in restoring democracy and human rights in Burma.

Your Excellency,

Unlike common people in Burma who have been suffering mainly due to the military dictatorial rule, the unprecedented pain and sufferings of the Rohingya are because of a deep-rooted conspiracy against them based on historical animosity, geographical situation, racial prejudice and religious bigotry. Ever since Burmese control of Arakan (a sovereign independent country for centuries) they started ethnic cleansing through systematic annihilation and genocide of Rohingyas with ulterior motive of ridding Arakan of the Muslim population. They

have been pursuing the policies of de-Muslimisation, Burmanisation and assimilation. The military has unjustly deprived the citizenship of Rohingyas by promulgation of black laws and the most subtle and bias Burma Citizenship Law of 1982, rendering them "stateless" in their historical and ancestral homeland of Arakan, Burma.

In addition, the Rohingyas have been subjected to humiliating restrictions on their freedom of movement, right to education, right to trade and commerce, right to employment. Arbitrary taxation, confiscation of landed properties, forced relocation, forced labour, desecration, destruction of mosques, religious schools, dwelling houses and settlements and crimes like extra-judicial killings, murder, rape torture, loot, artificial price-like or food embargo in the Rohingyas areas and other grave human rights violations have been regular phenomenon, particularly in the Rohingya majority area of North Arakan. The military is bent on changing the demography of Arakan by exterminating the Rohingya population.

Your Excellency,

Arakan was an independent sovereign country where the two great religious of Buddhism and Islam flourished side by side throughout the history, the Rakhines (Buddhists of Arakan) and Rohingyas (Muslims of Arakan) has peacefully coexisted and ruled Arakan in perfect amity and share alike as twin brothers. The Burmans, who were in fact, a foreign power to occupy our homeland, started ruling Arakan with their "divide and rule" policy putting the two, otherwise peacefully living, sister communities of Rakhines and Rohingyas at loggerheads in order to perpetuate Burman hegemony over declared the Rohingyas as non-nationals in utter disregards of their millennia-old set-

tlements and establishments, history and glorious past in Arakan. Their action as stated above, is based on their anti-Muslim policy. To brand the Rohingyas as illegal immigrants or non-nationals is a sheer lie. It is relevant to mention herein that since 1942, about 1.5 million Rohingyas have either been expelled or have to leave their homeland for their lives. These unfortunates have been wandering from place to place in many countries of the world. Most of whom are found in Bangladesh, Pakistan, Saudi Arabia, UAE and Malaysia etc. A few of them are sheltering in Japan.

Your Excellency,

The Rohingyas are a people with distinct culture and civilization of their own, living in north Arakan from time immemorial. To brand these original people of Arakan as foreign people practicing alien culture is a crime against humanity. According to history, Muslim influence, Muslim culture and civilization had been so great and extensive that Arakan was known as the Muslim kingdom of 14th and 15th century. Even the arrival of Muslim in Arakan started many centuries earlier and predated the arrival of many other peoples and races now inhabiting Burma including Arakan. These by history, by tradition by culture and by civilization, the Rohingyas are as much citizens of Burma as anyone else in that country. All the Rohingyas with their refugees are by all legal standards, nationals of Burma, an indigenous people of Arakan. They have been recognised as such by the previous democratic and elected governments with their members in the parliament, having a programme as an indigenous people in the official Burma's racial groups in the Burmese capital Rangoon every year.

Before the military autocratic rule, all the elected governments with former Prime Minister U Nu and U Ba Swe announced "the Rohingyas are equal in every way with other minority races like Shan, Kachin, Kayah, Karen, Mon and Rakhine. They have lived in Burma ages, according to historical facts. They lived faithfully and harmoniously with other races of the Union." In spite of this, today the military likes to say that there are 135 ethnic races in Burma and the Rohingyas are not one of them. Many criticisms have been raised as to the validity of their statement. In fact 65 of the so-called 135 races are all from Chin state which makes up about 3% of the population and they live in an area that makes up about 5% of the whole nation. This statement is a proved conspiracy and racial discrimination and is a denial of an ethnic race to have a peaceful living in the hearth and home of their ancestors.

Since 1942 communal riot of Arakan, no Muslim outsider even thought of migrating to a danger zone to earn a living. Rather the Rohingyas have been seen frequently leaving Arakan to escape persecution. Several combing military operations in the name of cracking down insurgency and tracing out aliens have been launched in post independent Burma. Each time an operation was carried out, there were ethnic cleansing etc. resulting in exodus of Rohingyas to neighbouring Bangladesh.

Your Excellency,

Violation of human rights cannot be termed as an internal affair of a country. A government cannot treat its people in the damn way it likes. Particularly making of an indigenous people of a territory "stateless" by a colonial power after its occupation of the territory is no more available in today's international law. Therefore, the military's denial of the Rohingyas

one of the two major indigenous people of Arakan, their rights to nationality and thus reducing them to "stateless" is a crime against humanity amounting to genocide. In addition, this has caused frequent refugee exodus into neighbouring Bangladesh and other countries creating regional instability while posing threats to international peace and security.

Your Excellency,

In consideration of the above facts, we earnestly request your excellency to exercise your good offices for a permanent solution of the Rohingya problem which is a man made tragedy created by the Burmese military with a view to arbitrarily depriving the Rohingyas of their rights to nationality with ultimate aim of this ethnic races. Please accept, Excellency the assurance of our highest esteem.

Your Excellency's faithfully,

Zaw Min Htut

President,

Burmese Rohingya Association in Japan (BRAJ).

Dated: 30th September, 2002.

A LETTER TO THE EUROPEAN UNION COMMISSION

His Excellency Mr. Romano Prodi,

The Honourable President,
The European Union Commission,
Brussel, Belgium.

Subject : An appeal to take conducive steps for restoration of basic Human Rights to a minority against whom ethnic cleansing like oppressive state mechanism have been introduced and systematically carried out by Burma's present military regime :

Your Excellency,

The world today has changed a lot. Democracy and Human Rights is the cherished notion of almost all people. European Nations are today regarded as the champions of democracy and protector of Human rights. We find European nations at the help of many oppressed people. European Union (EU) is the only organisation, which talk against the suppressive activities of the dictators over their own minorities. Here the "Rohingyas" a minority of Burma being under the systematic suppression of present junta, turn their hope to EU for salvation.

We, Rohingya people find no one at our side to help us and to heal us from our grievances in a time when we are sinking in the ocean of agony and misery. We are today suffering untold hardship. Our life is hopeless. Our future is dark. God alone knows where our destiny is. In short, our life is worse than that of the blacks in apartheid South Africa. In these hours of des-

peration and frustration, we firmly believe EU is our only saviour. So on behalf of 3 million Rohingyas, I take this opportunity to put in your presence a short but precise picture of their suffering so as you can assess the seriousness of the Rohingyas situation from right angle.

SLORC/SPDC AND ROHINGYAS

Since State Law and Order Restoration Council (SPDC) came in power, all political and basic human rights were ceased to exist in Burma. SLORC began to exercise Hitler and Stalin like suppressive prejudices against its minorities especially the religious minorities. Process of renovating and building pagodas and monasteries has been enhanced where as existing churches and mosques have been forcibly demolished. No churches and Mosques are allowed to build in newly established towns in the whole country. Though prayers in the temples are allowed, out-door religious activities are strictly prohibited. So Christian and Muslim minorities had to flee the country to avoid harsh harassment. Thus, in 1991-92, there occurred the exodus of Muslim refugees into Bangladesh. This Muslim exodus was the result of a great many suppressive tactics SLORC had introduced in Arakan. But thanks to world peace loving people and the United Nations Organisations (UNO) who took the initiatives to repatriate those refugees under the supervision of UNHCR. Today almost all the refugees have been repatriated. But the political, social, economic atmosphere in Arakan didn't change; in some cases it becomes worse. All refugees as well as those who remained in the country are being treated by SLORC as foreigners and non-nationals in utter disregards of their millennia-old settlements and establishments of history and glorious past in Arakan.

The repatriation process of UNHCR is on the completion but they failed in integrating the refugees' problem because SLORC presently State Peace and Development Council (SPDC) is not cooperating with the UNHCR. SPDC is stubborn to issue Rohingyas their national scrutiny cards and to incorporate them as full and equal citizens. UNHCR's effort to help Rohingyas in getting national scrutiny cards did not success.

(1) Historical Background

Historically and geo-politically, Arakan was a part of Bengal. It was separated from Burma by impassable Arakan Yoma range. Before the Burmese dominations, Indo-Arian culture flourished and Indian people settled in mass there. All early dynasties of Arakan were Indians. All historic monuments inscriptions and religious edifices including Mahamuni temple were Indian in character. Here, the "Rohingyas" are the descendants at above Indo-Arian people of early Arakan. Some of them of course mixed up with the Rakhines. Until 17th century there were many colonies of Arab traders in Arakan. Rohingyas got the Religious of Islam through them.

The last dynasty of Arakan that is Mrauk Oo dynasty from 15th to 18th century was highly influenced by Muslim culture. Official language was Persian, the written language of Muslims of that time. Muslims religious faith, Khalima, was inscribed on the coins. Almost all kings had Muslim titles. So some Muslims researchers used to claim "Mrauk Oo" Dynasty to be Muslim dynasty as a whole. Courteous, arm forces, and personnel in many other fields were almost all Muslims. So Rohingya Muslims are not migrant people as it is accused today by SPDC (State Peace and Development Council). They are natives of that land. The names of Island, rivers are found

by the name of Muslims. Almost all fertile valleys are the settlements of Muslims. Some Arakanese and Burmese chronicles testify there was a periodical Muslim rule from early fifteenth century to mid-eighteenth century. Portuguese priest Friar Sebastian Manrique was attended the coronation ceremony of King Siri Thudama in 1632 A.D. eyewitnesses Muslim Army units around the ceremony, a lot of Muslims settlements in the country, Muslim customs in the palace and thousand of Muslims captive plundered by Portuguese Marauders from Bengal coastal areas. Even SLORC sponsored publication in 1997 in the name of the "Blossom of Religion" that is "Sasana Yaung Wa Htun Zay Poe" recognised the fact that Islam took root in Arakan from 8th century AD and later spread into Burma proper from there.

The British census records in 1825 A.D. shows one Muslim for every two Buddhists. The year 1825 is a landmark in the history of Burma. All Burma's constitution and citizenship acts and rule provide indigenous status to all people who were permanently residing in Arakan or union of Burma before 1825. So, above-mentioned Muslims prior 1825 (before British occupation of Burma) were lawfully the indigenous race of Burma. But today SLORC is blindly denying that reality and accusing all Rohingyas as to be Bangladeshi illegal immigrants.

It is a deliberate conspiracy on the part of SPDC to make Rohingyas stateless. It is the irony of their fate. Dictators in history used to do such cruel and blind things.

(2) Legal Nexus

From the legal point of view, until the advent of 'SLORC' we Rohingyas have enjoyed full fledged Burmese citizenship rights. There were Foreigners' acts and Foreigners Registration Rules.

We were not required to register under those acts and rules. According to Burmese constitutions of 1947 and 1974 as well as according to 1948 Citizenship Acts, we are Burmese citizens. We enjoyed public job and obtained Burmese Passport. Our towns and villages were provided with government schools and hospitals. We got the rights to elect and to be elected in all levels of administrative institutions including parliament. We had parliamentarians, parliament secretaries even ministerial posts. Mr. Sultan Mohammad of Akyab was Health Minister in U Nu's cabinet in 1961. In 1990 SLORC sponsored multi-party general election, the Rohingyas were allowed to elect and to be elected, thus there were 4 Rohingyas elected for the parliamentary seats in Maungdaw and Buthidaung. Yet the SLORC is making mockery, ignoring everything branding us to be recent entrants from Bangladesh. This is unfair and illegal. EU and EU can raise a voice in our favour so as we retain our original political status, i.e, full and equal citizenship in Burma.

(3) Geopolitical Point of View

From geopolitical point of view, our status in Arakan state, Burma is clear. Kokans and Wa in the East, Nagas and Chins in the northwest and Chakmas and Borwas in Arakan are officially recognised indigenous people, whose mainstream clans are found in millions across their respective borders. the similarity of them with their mainstream clans across their borders has never been questioned by SLORC/SPDC nor it is a matter of deterrent for indigenous status. But only in the case of Rohingyas their similarity to some extents with the people across the border becomes the criteria to deny them their citizenship.

Is it fair? If not, I firmly believe "EU" will give appropriate pressure on SPDC to accept above logic concerning 'Rohingyas' indigenous status. The United Kingdom a leading member of the EU had rule Arakan for more than a hundred years. She knows in details of our historical background. Some senior British officers such as Field Marshall William Slim, Anthony Iron, Francois Buchanon and Gilchrist have recorded "Rohingyas" in their history. So British can actively play a conducive role in restoring their citizenship rights presently denied by State Peace and Development Council (SPDC). Despite all these historical and legal background "SLORC" or SPDC as it is presently called, is conspiring against these Rohingyas to eliminate them from Arakan and to make it exclusively a Buddhist land. SPDC is very cunning in its intention and very inhuman in its activities concerning Rohingyas. The harshest and the most unbearable rules have been introduced in Arakan so as people flee the land. Every step SPDC takes in Arakan is prejudicial to Rohingyas. Everything discriminatory in essence.

(4) Political Discrimination

Introduction of new citizenship law, SPDC arbitrarily brings forth the issue of 135 designated indigenous races. Neither parliamentary nor presidential decrees were ever issued in this regard. Rohingyas were intentionally excluded from so-called 135, indigenous races and henceforth treated not only as foreigners but also as an undesired people. Travel permit, which is impossible to obtain, becomes requirement. New citizenship scrutinisation cards are not issued to them. As a result for not having the NRC cards, they encountered thousands of hardships in their daily life especially in the case of travel, owner-

ship and higher education.

(5) Social Discrimination

Our schools are destaffed. Treatments in Hospital to Rohingyas are unfair and they are unwelcome. Our revered ones are insulted. Rich, old and young all alike are forced to do manual labour in the army camps. Men have been forcibly taken away as porters whereas there have been occasionally molestation of women by the military personnel. Mosques, schools and bazaars are not exceptional in rounding up porters. Forced birth control campaign has been introduced in Muslims villages only. No public jobs are permitted for Rohingyas. By depriving NRCs cards, professional education is unthinkable. Separated family members cannot join their family in the case of their bereavement. Children cannot see their aged parents. Any persons found without travel permit is arrested and sentenced for years. There are false fabricated cases, false persecution and imprisonment on false accusation where minors are also included. Arbitrary arrest and disappearance of arrested persons are routine happening in Arakan. Occasional mass killing of young people trying to travel into central Burma proper are heard day to day. Many young ones are arrested and jailed all over the country on ground of defying their unfairly mechanized restrictions. In 1994, about four thousand young Rohingyas were taken away by military intelligence forces under the command of Gen. Khin Nyunt, Secretary (1) of SPDC and were killed in cool blood. No one has ever returned back to his or her families. Their whereabouts is still unknown.

(6) Economic Discrimination and Racial Prejudices.

Agricultural lands owned by Rohingyas have been confiscated for army camps and for new settlements of Buddhists. There

are about one hundred model villages of Buddhists settlements on lands ceased from the Rohingyas under arrangement of Ministry of Development for Border Area and frontier Races. Almost all fisheries that is prawn-breeding farms were taken by the military or so-called border control forces.

The government departments and agents controlled all income-earning sources. The government controls all local products such as wood, bamboo and seasonal crops. Transportation of essential commodities are restricted. There are forced removal and resettlement of Rohingyas villages. It is intended in their uprooting and scattering. The main economic source of the area is paddy cultivating. No material or technical helps are given to the Rohingya farmers but the government at quarter market prices takes their crops away.

There, in a single town of Buthidaung, fifteen battalions of army are taking permanent establishment. At present there is no insurgency in that area. So the presence of this huge army is not to stop insurgency but to harass the local Rohingyas. They are subjected to financial and mental worry combined with occasional physical insult. Further, Rohingyas are subjected to give free labour and rations in cash and kinds. Prices of essential commodities are skyrocketed and majority of the people are starving. In this famine stricken situation, almost every household required to contribute weekly forced labour for various civil and military department. It is a great burden especially for the poor class.

(7) Religious Prejudices

Of course, Muslims of Arakan (Rohingyas) are allowed to pray in Mosque. This cannot be interpreted as religious freedom.

Without food how one can pray. Rohingyas have no earning sources. SPDC made famine in Arakan lead Rohingyas into starvation. Mosques are destroyed; cemeteries are occupied to build military installations. Buddhist pagodas are built with forced donation and free labours of Muslims, sometimes on the very place of demolished Mosques. Central Mosque of Maungdaw is turned into fire brigade office.

All endowment land of Akyab Central Mosque has been confiscated and a cultural museum was constructed bisecting the compound of the said Mosque. Historic edifices in all places of Arakan were destroyed to deface cultural heritage of Rohingyas. Among them the historic Sandi Khan Mosque of Mrauk Oo, which was build along with the town itself by the Muslim forces of Bengal King who helped enthroned the Arakan King Narameikhala in early fifteenth century. Similarly the Badonmukam Mosque of Akyab was forced to be deserted and occupied by the naval base of Akyab.

Your Excellency,

It is very difficult to express in details the picture of our present situation in this short letter. To sum up SPDC has not relaxed its oppressive grasp on the Rohingya people. Until today prejudicial and discriminatory state mechanism is in its bloom. The presence of military regiment is increasing day by day.

The greater the military presence in northern Arakan, the harsher the life of the Rohingyas become. Despite the presence of many NGOs, the socio-political atmosphere of Arakan is turning from bad to worse. Consequently Arakan becomes a sort of prison camp for Rohingyas. Northern Arakan for Rohingyas is nothing more than a concentration camp. Situa-

tion is worse than the one in 1991. In 1991 people could escape into the neighbouring Bangladesh.

Arakan border and commanded by Gen. Khin Nyunt. So this oppressed Rohingyas have no alternative but to shed tears in agony and frustration.

SPDC is conducting everything in disregard of all UN conventions and international norms and proclamations. It is incumbent to a state to help develop its minorities in all respects but SPDC is conspiring to relinquish the Rohingyas or to exterminate them from their ancestral land so as to make Arakan exclusively a Buddhist Land. In this hour of agony no one comes to their help and no one is advocating their issue up to its final solution.

Your Excellency,

Being helpless and utterly frustrated to find themselves alone, their hearts and souls turn to the countries of EU who can only solve their problems. They hope EU alone can protect them from being eliminated or from being made aliens in their own ancestral land.

So on behalf of 3 million depressed Rohingyas of Arakan as a political representative of them, I take this opportunity to implore your Excellency and through you to all member countries of EU to take some conducive steps to restore Rohingyas basic rights in Burma.

Rohingyas are innocent. They are neither separatists nor fundamentalists. SPDC government is exploiting their vulnerability and simplicity. Therefore, Your Excellency, I request you to take some little steps to solve the Rohingya problems on

your own or through the good offices of EU members or through UN which will be a great leap-forward for the Rohingyas in their salvation from the bondage of SPDC.

I believe all human rights violations will be eradicated and all minorities will be protected with their due rights all over the world within a short period of this century. I anticipate on behalf of 3 million oppressed Rohingyas for your effective contemplation and constructive engagement in solving our unsolved problems. For God's sake and humanity sake, please do something timely.

Otherwise, these Rohingya people cannot get rid of the bondage and selfdom of SPDC military regime.

Please accept, Your Excellency, my highest regards and best wishes.

Note: for all accusation herein, you will find substantial evidences in the reports of UNHCR and other NGOs, presently working in Arakan.

Your Excellency's Sincerely,

Zaw Min Htut

President,

Burmese Rohingya Association in Japan (BRAJ)

Dated : 15th October, 2002

Request : I hereby request Your Excellency to dispatch copies of this letter to each member country of European Union.

The above letter was sent via the Delegation of the European Commission in Japan. **His Excellency Mr. Romano Prodi**, the President of the European Commission, headquarters in Brussels response to the BRAJ with the following letter.



EUROPEAN UNION

Delegation of the European Commission in Japan
Deputy Head of Delegation
Minister

Tokyo, 15 August, 2003
DELJPN DHOD/MR D(2003)
CRS 341

Mr. Zaw Min Htut
President,
Burmese Rohingya Association in Japan,
25-1, Maruyama-cho,
Maruyama-Corp-102,
Shibuya-ku
150-0044 Tokyo

Dear Mr. Min Htut,
Please find attached the original letter addressed to you by
Romano Prodi,
President of the European Commission.

An advance copy of the letter has already been forwarded to
you on 7 August.

Yours sincerely,
Sd/-
Michael Reiterer
Charge d'Affaires a.i.

Europa House, 9-15 Sanbancho, Chiyoda-ku, Tokyo 102-0075 Japan.
Tel Main: +81(0)3 3239 0441 - Tel Direct: + (0)3 3239 7760 - Fax: +81(0)3 3261 5194
- E-mail: deijapan@cec.eu.int

ROMANO PRODI

05-08-2003

PRESIDENT OF THE EUROPEAN COMMISSION

Brussel.

SG(2003)D/894705

*Dear Mr. Htut,**Thank for your letter dated 18 June 2003, addressed to me through the EC Delegation in Japan, with which you attached a report prepared by your association concerning the situation of the Rohingya people in Burma/Myanmar and in Bangladesh.**Let me first tell you that the European Commission is well aware of the difficulties faced by the Rohingya population in the Arakan State of Burma and of the conditions in refugee camps in Bangladesh. My services in the Directorate-General for External Relations and elsewhere have examined your report thoroughly and will give it due consideration.**The European Union has consistently taken a strong position in relation to the current regime of Burma/Myanmar. The EU follows very closely the developments in this country and continues to express deep concern regarding the ongoing violations of human rights there, in particular against ethnic minorities.**As you may know, the EU decided on 16 June to implement strengthened sanctions, under its Common Position on Burma/Myanmar (2003/297/CFSP, of 28 April 2003), which are specifically targeted at the Burmese military leaders and their supporters.**The European Commission has also recently intensified discussion on the situation in Burma with its Asian partners in order to encourage them to use their influence on the Burmese*

government to pressure it towards national reconciliation and a return to democracy, as well as to respect human rights. My colleague Chris Patten, Commissioner for External Relations, has had the opportunity to raise the situation in Burma with a number of Asian countries in bilateral exchanges held in the margins of the ASEM Foreign Ministers Meeting in Bali on 23/24 July.

As regards Rohingya refugees in Bangladesh, the Commission through its Delegation in Dhaka is following closely the situation of these people in full co-operation with the United Nations High Commission for Refugees (UNHCR). You may know that the EC has provided substantial financial support for the maintenance of refugee camps in recent years and will continue to do so.

I can assure you that, as my services have indicated to you in previous correspondence, the Commission will continue to follow closely the situation of the Rohingya people in Burma and in Bangladesh and will raise the issues in your report in the appropriate fora.

*Sd/-
(Romano Prodi)*

*Mr. Zaw Min HTUT
President,
Burmese Rohingya Association in Japan,
25-1, Maruyama-Cho,
Maruyama-Corp-102,
Shibuya-Ku,
150-0044 TOKYO
JAPAN*

BRAJ and UNHCR

The most discriminatory so-called Burma citizenship Law of 1982, which violates several fundamental principles of customary international law standards, has reduced the Rohingyas to the status of "Stateless".

The Rohingyas are not issued new identity cards that are issued to other citizens of Burma from 1989. ID cards are very essential in all national activities. ID cards must be carried at all the times and card number has to be given when buying or travel tickets, registering children in school, staying overnight with friends or relatives outside own council area, applying for any civil service and professional posts, selling, buying or exchanging land and properties and other acts of everyday life.

Most of the National Registration Cards (NRCs) issued to the Rohingyas during parliamentary governments or before SLORC/SPDC regime, had been confiscated by SPDC and such confiscation is still continuing under the pretext of issuing new ones to them. As a test case, the authorities had issued Temporary Registration Cards (TRCs) Known as "white cards." to some Rohingyas against their wish. It is nothing but a design to degrade their national status and put them in a state of uncertainty. The withholding of citizenship has become a mechanism for discrimination and persecution on the basis of ethnicity. Surprisingly, the UNHCR, who was mandated by UN General Assembly to protect the stateless people had welcomed and supported this action of the SPDC in utter disregard of the previous indigenous status of the Rohingyas in Arakan, hence in Burma. The Burmese Rohingyas Association in Japan (BRAJ) has strongly opposed this position of the UNHCR and

complained with the High Commissioner for Refugees. The following are the context of their complained letter.

His Excellency Ruud Lubbers,
High Commissioner of Refugees
United Nations High Commissioner for Refugee (UNHCR)
Geneva, Switzerland.

Sub : Complaint against miss-assessment of UNHCR Senior official and request for taking crucial helping steps to restore Rohingyas their legitimate rights in Burma.

Dear Excellency,

We are a group of Rohingyas living in Japan with refugee status. Thanks to the government of Japan for her facilities provided to us. But we don't want to remain as refugees forever. We want to return to our land. However, State Peace and Development Council (SPDC) of Burma has enforced various inhuman restrictions on every sphere of our life especially after 1990 election. We are looking for a time when these restrictions will be relaxed or withdrawn.

At the meantime, we came across a very deplorable news item in the Myanmar Times Volume (5), No. 85 dated 1-7/11/2002. The heading of the news item is "Issuance of residence certificate and discussion on repatriation of refugees." The news item says the refugees who returned from Bangladesh are issued temporarily evidence certificate by Myanmar government. Up to now (2,32,000) or 93% of the refugees are repatriated. Out of 8,50,000 people of Northern Arakan, 350,000 including the refugees are provided with the said temporary evident cards.

The director of International protection department of UNHCR, Miss Erika Feller has discussed with Myanmar responsible

officials for the prompt issuance of Temporary Residence Cards (TRCs) to the rest of the people there.

It further said Miss Erika Feller is highly satisfied on the issuance of these TRC to the people of Northern Arakan. The news item further explains the RTC is just a residence permit. The holder of which cannot enjoy the right that are provided to citizenship scrutiny cards holder.

The most deplorable thing here is that the people in Northern Arakan are residents there for many centuries. Why are they needed a residence permit? Despite UNHCR's practical knowledge about the unjust discriminations against these people, one of its senior officials expressions of full satisfaction on the issuance of TRC which is not equal to citizenship scrutiny cards under 1982 Citizenship Law is a very heart breaking news for Rohingya people. The issuing of TRC is a conspiracy intended to degrade Rohingya from citizen to non-citizen or stateless. The TRC under residence registration rule of 1951 is usually issued for temporary period in case of damage or lost of NRC.

Here the expression of contentment by a senior UNHCR official becomes an encouragement for Burmese government in degrading the nationality status of the people of Northern Arakan (Rohingya). Rohingyas are indisputable original natives of Arakan. Making their nationality issue contentious or ambiguous is a deliberate conspiracy.

So to understand the genuine historical and legal background, let us introduce first who are Rohingyas.

(a) Who are Rohingyas

Our native land the westernmost province of Burma, to the

westerners is Arakan, to the Burma. It is Rakhine and to the Bengali it is Rohang. So here from Arakhan we get Arakanese, from Rakhine we get Rakhinetha and from Rohang we get Rohingya. The terminology "Rohingya" and its evolution are amply found in Western, India, Bangali and Arakhanese chronicles.

(b) Historical Background

Almost all chronicles concerning Arakan say Arakan is a continuation of Chittagong plain and is separated from Burma proper by Rakhine Yoma mountain ranges. Its people were before 10th Century Indians like that of Bangal. All inscriptions and coins we find in Arakan today testify it. Dr. Pamela Gutman of Australia in her thesis "Ancient Arakhan" clearly explained the present day Rakhines are a branch of Burmans and the last group to enter Arakan after tenth century.

Since then, the Rakhine got upper hand in Arakan politics for some centuries. And now they forcibly want to identify themselves with those early Indians. In fact, inscriptions in Arakan indicate only Rohingya have linguistic and genealogical affinity with those early people of Arakan. Hence the Danya Wadi and Wethali dynasties of early Arakan are directly connected with Rohingyas. So, Rohingya believe Arakan is their ancestral kingdom and there is no question of issuing them residence certificate in their own kingdom.

Even Arakanese chronicles clearly say Islam took root in Arakan from 8th Century. Arakanese of Wethali period got the religion of Islam from shipwrecked Arabs and other Muslim missionaries. Throughout Arakan, there are hundreds of old religious edifices such as Badarmukum, Sindikhan Mosque, Babagyi temple. Nineteen successive Arakan kings during

Mrauk Oo dynasty, have Muslim names. Coins in Arakan were in Muslim design with Persian script. Muslim court system was introduced in Arakan. Almost all senior ministers courteous and personnel of armed forces from 15th to 18th century were Muslims. The bringing of captive from lower Bengal by Rakhine Frengi pirates further increased Muslim population in Arakan.

After Bodawpaya's (Burmese King) occupation of Arakan in 1784, special decree for religious freedom and performance was issued for Muslim. One reason to highlight this historical background is to show even before British occupation Arakan was full of Muslim Population. So this bonafide Muslim population should not be mixed up with so-called immigrant from India during the British period. These Indians were officially registered as foreigners. And seasonal labourers who used to come from Chittagong usually returned when the season is over.

(c) Legal Background

Before independence, there were not any law defining the rights and duty of citizens and foreigners. So around independence period, Burmese government had enacted a lot of acts and rules to restrict the coming and settlement of foreigners in Burma. To mention some;

- (1) Foreigners act of 1864
- (2) This act was again enacted in 1940.
- (3) The Foreigners registration rule of 1948
- (4) The Burma immigration emergency provision act of 1947.
- (5) Burma Immigration detention rule of 1951.
- (6) Burma resident registration act of 1949
- (7) Burma resident registration rule of 1951

(8) Burma Union constitution of 1947

(9) Union citizenship act of 1948

Despite all these legal corpus how illegal foreigners can dwell in Arakan village wise. No department until today issued any order or notification to the Rohingya in Arakan to take FRCs. British government also recognised Rohingyas as natives. Rohingyas were allowed to represent in British government council as natives not as Indians. The nation's independent father Bogyoke Aung San too allowed Rohingya to represent in his Constituent Assembly of 1946. Then after independence from 1950 to 1990 in each and every parliamentary election Rohingyas got the rights to elect and to be elected. At the time of the last democratically elected parliament in the 1960s, there were at least one Rohingya Minister and several Rohingya members of parliament. In 1990 general election of Burma, 4 Rohingya parliament members were elected as well. This is a special rights reserved only for citizens. Then after more than fifty years how can the Rohingya be foreigners of degraded citizens? Degrading of ones citizenship is not internationally acceptable. SLORC/SPDC Government has deliberately created our citizenship issue as a big dilemma, Formerly Rohingya got public jobs, enjoyed social security, obtain Burmese passport, their children got access to vocational education. Rohingya villages were provided with schools and hospitals. Rohingyas could participate in local administrative council, too.

But today, Rohingyas are treated as aliens or foreigners. The interpretation of 1982, Citizenship Law, deprives of Rohingyas their citizenship rights. SLORC/SPDC government brings forth issue of so-called 135 indigenous races of Burma, which exclude Rohingya. In fact, according to Burmese Law, the list of the indigenous races should be ratified by parliament. Until

now no parliament has ever issued any decision or decree concerning the indigenous races.

The most remarkable thing is the NRCs in Burma, under Residence Registrial Rule of 1951 were issued only to the citizens. Foreigner can't be registered under Section 35 of the said rule. Most noteworthy thing is that the first town in the Union to issue NRC was MAUNG DAW in Northern Arakan State. Teams of immigration and manpower registration department got down to the grassroots villages to register the people and issued NRCs to Rohingyas. So the accusation of today that Rohingyas got NRCs by fraud and bribe is an act of ulterior motive.

What Rohingyas expect from the UNHCR

The UNHCR is empowered by UN General Assembly to do for the best of stateless people, to work to decrease the statelessness. Here we don't understand why in the case of Rohingya, UNHCR senior official express satisfaction on the issuance of so-called white-card or TRC, under the clause of a non-functioning Act., which is intended to degrade Rohingya in their nationality status. What is the rationale of UNHCR to go in this way, which is making Rohingyas stateless? Where the pink cards/citizenship scrutiny cards have gone? The Article 6 of 1982 Citizenship Law says one who became citizen before the enforcement of this law is also a citizen. That very law also recognizes the people who settle permanently in Burma before 1823 to be indigenous race of Burma.

Here who can deny our existence in Arakan before British occupation? We can't write off the history pages and washed off the historic edifices of Muslim /Rohingyas throughout the

Arakan.

So, we believe UNHCR should not stand on the side of Burmese military government. It should protect the Rohingyas who have concrete historical and legal background. We believe our background points and facts are more than sufficient for UNHCR to fight for the cause of Rohingya. There is no single recent illegal entrant in Arakan as is routinely accused by some circles. There is so called Na-Sa-Ka in Northern frontier of Arakan to detect illegal immigrants. It is ten years now no single Bangladeshi is heard to have arrested by the Na-Sa-Ka. Real fact is that facing unbearable hardship due to harassment and harshness of the government nearly half of the Rohingya population had to flee to overseas Muslim countries.

Today we are very grateful to UNHCR and other NGOs who have been providing helps to our people. Once they return, the situation will turn worse and people will starve.

The MOU of UNHCR with Burma has clauses for free movement and issuance of National Identity Cards. Where is freedom of movement now? Where are our civil rights? Where are our economic rights? Presently we are just in a prison camp. Northern Arakan is nothing more than a concentration camp for us. Our movement even from village to village is restricted. All income sources of livelihood are blocked up. Schools are de-staffed. We are rudely treated in hospitals, courts and on cars and steamers. Lands are seized. Students are not allowed to go to their institutions, which are mostly in Burma proper. Pottering and forced labours have not ceased yet. About twenty items of essential foodstuff are presently banned not to flow into Maungdaw and Buthidaung region so as to starve the people there.

UNHCR office in Arakan knows it well. But still today no crucial step has been taken by UNHCR to restore us our basic rights. If it cannot solve our basic problem it should take it up to higher organ of the UN. We believe ours is great dilemma. We are in a predicament. Our case is deserved to be carried up to the table of Secretary General and UN Security Council. The so-called third committee of UN never take any action and we believe its action never be effective to save us from the present predicament.

So, we a group of Rohingya exiled in Japan appeal to you not stand with folded arms to see the annihilation of Rohingya in Northern Arakan. Issuing TRC means pushing Rohingya to their extinction and making Arakan exclusively Rakhine region.

So lastly we solemnly implore to the respectable personalities of UNHCR to take some helping steps to restore Rohingya their legitimate rights in their ancestral kingdom. UNHCR is our last resort of hope. We hope we will get the light of secure and peaceful life through the good offices of UNHCR and UN.

Please accept my best regards.

Yours faithfully,

Zaw Min Htut

President

Burmese Rohingya Association in Japan (BRAJ)

Date : December 6, 2002

Copy to

UN Secretary General

Kofi Annan

New York, USA.

The above letter was sent via the UNHCR regional office for Japan. The honourable senior legal officer of UNHCR Tokyo Office, Mr. Diego Rosero helped to reach the letter directly to their headquarters in Geneva. The UNHCR headquarters in Geneva response to the BRAJ with the following letter.

UNITED NATIONS

HIGH COMMISSIONER
FOR REFUGEES



NATIONS UNIES

HAUT COMMISSARIAT
POUR LES REFUGIES

Regional Office for Japan
and Republic of Korea

UNU Building 6F
5-53-70 Jingumae, Shibuya-ku
Tokyo 150-0001, Japan

Telephone 03-3499-2075
Facsimile 03-3499-2272
E-mail jpnto@unhcr.ch
12 February 2002

Dear U Zaw Min Htut,

In reference to your letter dated 6 December 2002 in which you requested clarification on UNHCR's position with regard to the issuance of Temporary Registration Certificates (TRCs) to the population of Northern Rakhine State, I would like to share with you, as attached herewith, a reply from our Headquarters. I hope this will clarify UNHCR's position with regard to the issue.

Please feel free to let us know if you have any comments or questions.

Sincerely yours

Diego Rosero
Senior Legal Officer

Zaw Min Htut

President,

Burmese Rohingya Association in Japan (BRAJ)

Tokyo, Japan.

Dated: August 5, 2002.

**UNHCR**United Nations High Commissioner for Refugees
Haut Commissariat de Nations Unies pour les Réfugiés**Re: Your letter dated 6 December 2002**

Dear Sir,

I would like to acknowledge receipt of your letter dated 6 December 2002 in which you request clarification on UNHCR's position with regard to the issuance of Temporary Registration Certificates (TRCs) to the population of Northern Rakhine State.

As you know, the overwhelming majority of the population of Northern Rakhine State (NRS) holds National Registration Cards (NRCs) or no documents at all. Following the entry into force of 1982 Citizenship law, these NRCs have no legal value. The issuance of TRCs, although not giving rise to citizenship rights,¹ represents a step towards the regularization of the current legal status of the NRS population.

As you indicated in your letter, TRCs are issued on the basis of the 1949 Residents of Myanmar Compulsory Registration Law and the 1951 related Rules, which have not been repealed by the 1982 Citizenship Law. These cards therefore derive from the legislation on national registration and not from the legislation on the registration of foreigners. As you emphasised, holders of full citizenship cards (Citizenship Scrutiny Certificates, created by the 1982 law), may be issued with TRCs when they lose or replace their citizenship cards. TRCs have no time limit, despite their name, and constituted a proof of legitimate

1. NB: The text of NRCs also specified that holding such cards did not constitute a proof citizenship.

residence in Myanmar for the bearers. They are fundamentally distinct from Foreigner Registration Certificates (FRCs) which are issued to persons having the status of foreigners and need to be renewed on a yearly basis.

Attempts to issue more of these cards serve, in our view, to enhance the current legal status of the NRS population and not to weaken it. TRCs are an additional document proving the legitimate presence of the holders in Northern Rakhine State. In addition, holders of TRCs are not required to surrender their NRCs and can continue to hold them as a proof of their former residence in Myanmar.

In addition to these activities, UNHCR continues to actively advocate for the citizenship status of the population of Northern Rakhine State. Recently, in a visit to Myanmar in October 2002, Ms Erika Feller, the UNHCR Director for International Protection, strongly emphasised this issue in her discussions with key Ministers. The authorities have assured UNHCR that the TRCs were a first step in that direction. Please be assured that UNHCR continues to closely discuss the matter with the authorities.

I hope this clarifies UNHCR's position with regard to the issuance of TRCs to the population of Northern Rakhine State.

Yours sincerely
UNHCR

U Zaw Mint Htut
President,
Burmese Rohingya Association in Japan (BRAJ),
Tokyo, Japan.

The acknowledgement letter from UNHCR is not very satisfactory for BRAJ. Their clarification concerning the Rohingyas nationality status is not very clear and the BRAJ feel their process to reach the final step will take another decade or longer. The assurance of Burmese military government to UNHCR that of TRCs are first step towards citizenship is a baseless reason because the TRC bears no sign of legal point. Hence, the BRAJ appealed to the UN High Commissioner for Refugees again with another letter.

The content of the letter is as follows.

His Excellency Ruud Lubbers,
United Nations High Commissioner for Refugees
UNHCR (Headquarters)
Geneva, Switzerland.

Reference : Your reply letter dated February 12, 2003

Dear Sir,

Many thanks for your kind reply letter and your expression of dedicated attachment to the Rohingya issue. Of course we are fully aware of the benefits our people enjoyed from the helps of UNHCR and the NGOs, in Northern Arakan have provided. We recognised and valued it much.

However, repatriation of refugees itself does not bring a solution to our problem. Our social, economic and nationality related position still remains as deteriorated as it was before repatriation. We are forced to be a permanent underclass and the weakest people in the country. Presently our young ones are

targeted for harassment, arrest, tortures and persecution under various false accusations.

In the light of various international conventions, declarations including the result of Cairo conference in 1994 on population development, we believe UNHCR, in cooperation with UN can play a decisive role in restoring Rohingya people their nationality rights and relieving the grievances caused by arbitrary oppressive actions of SPDC Government. UN role today is of course more than international peace keeping. Article 11 of the UN Convention on statelessness in 1995, had designated UNHCR as an intermediary between Stateless and the State. Here Rohingya people are made more than stateless.

You mentioned Burmese Government had assured that TRCs are first step towards citizenship. But SPDC never lives up to their words. They can change their stand very easily. To us, this TRC bears no sign of legal point. It is just a white card as it is locally called. It is to us, very much instrumental to serve as a mean to degrade our citizenship status in the future. Your assumption that TRCs present a step towards regularization of current legal status of the NRS population seems to us incorrect since most of us have other legal documents including NRCs to prove our residency in Burma. Our concern is not regularizing our residency but maintaining our full and genuine citizenship, which we enjoyed until 1990, SLORC sponsored election.

It is obvious that SPDC government is firm in their decision to degrade our citizenship status or to make us stateless if circumstance allows them. So in contrast to your remark, they are issuing TRCs to all including the NRC holders by seizing of their NRCs. The local authorities compel the public to sur-

render their NRCs on issuance of TRCs.

This TRC has no time limit as you say and it bears no section or clause of the act under which it is issued. Thus by stripping off the people their NRCs and issuing so-called white cards. They intend to put this Rohingya in a greater dilemma. Once UNHCR has withdrawn a propaganda campaign by SPDC against Rohingyas will be enhanced to portray them just to be Bangladeshi illegal immigrants. At that Rohingyas voice cannot penetrate into the ear of outsiders. No one will act on his or her behalf. Outsiders will fall in suspicion and SPDC's accusation will sound correct. SPDC never has been sincere towards Rohingyas. Their ulterior motive is to annihilate Rohingya from Arakan once and for all.

So here on behalf of this vulnerable people we the BRAJ in Japan appeal to the High Commissioner to UNHCR on whom we keep our hope as savoir to take some legal steps for the salvation of these oppressed people of NRS.

We believe UNHCR has a mandate to act on behalf of this helpless people in maintaining their nationality status and in safeguarding their dignity, security, and basic rights. Thus we finally and solemnly implore to the High Commissioner of UNHCR.

1. To scrutinize the issuance of TRCs either it is within legal framework of Burma Law or not.
2. To rescue us from being made a permanent underclass by delaying the issuance of full and genuine citizenship cards: i.e. the pink cards, because we are already given TRCs.
3. To exercise its good offices for the restoration of all civil

and political rights of the Rohingyas including their full citizenship.

Yours faithfully

Zaw Min Htut

President

Burmese Rohingya Association in Japan (BRAJ)

Date : April 20, 2003

Conclusion

Rohingyas of Burma are the most unfortunate people in the world. Although they are one of the indigenous ethnic race of Burma and are the sons of the soils of Arakan, they are victims of perpetual persecution by the Burmese military regimes. Contrary to Burmese domestic laws, the Burmese constitutions and international norms, these ill-fated people have been subjected to massive human rights violations because of their race, religion and culture. They are not equal before the law.

In Burma license is needed to slaughter goats and cattle. But no licence is required to kill a Rohingya. If an elephant or a tiger died in the forest, the authorities took action to the nearby villagers whether they commit it or not. If the authority kills an innocent Rohingya, there is no action at all. This means that Rohingyas has less right than the animals. In fact Rohingyas are treated worse than animals.

Even their basic human rights, i.e. right to live with dignity and honour have been taken away by the Burmese military regime. The Rohingyas have been facing inhuman torture, strict restriction of movement, denial of their citizenship, restriction on marriage, various kinds of restrictions on religious activities, restrictions on their economy, trade and businesses, restriction to the education of their children. They subjected to forced labour, forced relocation, confiscation of their properties, summary execution, mass killing, rape and molestation of women folk, insulting of their revered ones; in so much as they had to leave their hearths and homes leaving behind all their properties.

The major ethnic races of Arakan, Rohingyas and Rakhines

lived side by side for centuries with amity and concord as one family and ruled the country together. Both the communities in Arakan had all along been hand in glove. The British played divide and rule in Arakan with the result that many Rakhines bear hatred against Rohingyas as "Kalas" foreigners. This hatred should no longer be bred in the Union of Burma as it had been brought up in the nursery of British imperialism and continuously used by the Burmese junta. The most heart-breaking thing is that, the Burmese nationalists, willing to continue their hegemonies, infused the policy of racial hatred among the Rakhine brethren. This has caused us hatred and disunity and it is the result of such conspiracy that the people of Arakan are being ruled under iron heel by the military regime.

Now the Rakhines are on the side of nepotism while the Rohingyas are confined to ruthlessness. In post independent Burma, the Rakhines were in better position. During Ne Win's era the Rakhines had been used as tools to oppress the Rohingyas both politically and racially. Despite their forty years long humiliating position before the Rakhines, Rohingyas have never taken a chance to go against the Rakhines nor had taken any step to frame the future of Arakan unilaterally. They have been looking forward and welcoming the people from other communities to launch a movement together against the cruel military junta in Burma.

The modern concept of human right is based on the theory of natural law under which man as a human being is said to have some universal rights wherever and in whatever condition he may be culminated in the Universal Declaration of Human Rights by the United Nation in 1948. The provisions of it were transformed into international conventional law in the international Covenants adopted by the General Assembly of UNO

on December 16, 1966. Almost all the member countries of UN are signatory to the UN Declaration and related covenants of which Burma is one of them.

Even in this civilized world, there are some countries that have been violating human rights and there are a few which are widely condemned by the international community. Burma is one of those that top the list of worst human rights records. In spite of such a record and diplomatic setback with the west, the country appears to have ignored all the pressure and has been going ahead with the financial and political support of some Asian Countries such as Japan, Malaysia, China to make ethnic cleansing of minority races and oppression to the political opponents a success especially to Rohingya minority of Arakan State. As a result, not less than half of its population has been forced to flee the country and make their way to Saudi Arabia, Pakistan, Bangladesh, Malaysia, Thailand and other places of the world. Some of the Rohingyas are residing in Japan with the refugee status, which Japanese government provided to them. The Burmese military regime remains as a sick lion eating up creatures around on one pretext or another. There have been widespread human rights abuses all over the country mostly ethnic minority areas such as Shan, Karen, Mon, etc. It is well known to the international community that the Burmese military junta SPDC's oppressions and persecution against the democratic forces led by Daw Awang San Suu Kyi. Tens of thousands of other minority races had to flee neighbouring countries such as India, Thailand and thousands of democracy activists to abroad to escape from persecution of Burmese military regime.

Rohingyas have been oppressed, repressed and exterminated by the Burmese military regime since Ne Win came to power

in 1962, the worst by the current State Peace and Development Council (SPDC). However, they have been existing through thick and thin, keeping no stone unturned exploring all venues for a lasting solution to their long standing problem so as to live peacefully and honourably in their ancestral home land of Arakan with all human dignity and rights.

Unfortunately, the SPDC military regime has totally denied the Rohingya people's rights to exist in Arakan; the main reason is that they are Muslims. Time and again they are driven across the border to Bangladesh like the forced exodus of 1978 and 1991-1992.

With a view to protecting the legitimate rights of Rohingya Muslims of Arakan while upholding the principles of peaceful co-existence with other national groups, it is imperative for Rohingya to exercise rights of self-determination within a Burmese federation. Rohingya are neither separatists nor fundamentalists but peace loving people. It is the time for the peace loving international community to raise their voice against the Burmese military to promote human rights in Burma. I myself with the Burmese Rohingya Association in Japan (BRAJ) is appealing to the international governing bodies and peace loving people to do their best for the eradication of human rights violation in Burma as well as in Arakan.

Zaw Min Htut
Tokyo, Japan

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