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Rohingya: A people Under Endless Tyranny

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ABSTRACT

The Rohingya people have a long history of crisis. The crisis is not an issue of illegal immigration but of intolerance. The Rohingya have faced a continuous process of de-legitimization, systematic persecution and worsening abuses culminating in genocide. Since 1942, intermittent waves of Rohingya have fled to Bangladesh and other countries to escape persecution. The United Nations has described the Rohingya as the most persecuted people in the world. In 2017, hundreds and thousands of Rohingya fled to neighboring Bangladesh when families were massacred, villages scorched, women gang-raped and babies thrown into the flames. The foremost priority of the Rohingya people is to return home in safety, in dignity and with justice. But they cannot return where genocide is still ongoing. There must be credible accountability to ensure victims see justice served and the cycle of violence is not repeated. For a permanent solution the root causes of the crisis must be addressed effectively. Their ethnic identity “Rohingya” and “full citizenship” must be legally recognized and restored. They should be able to peacefully coexist in Rakhine State as equals with their “collective rights” on par with other ethnic nationalities of the Union of Myanmar.

KEYWORDS

Rohingya; Arakan; Burma; Bangladesh; tyranny

Introduction

The Rohingya people live in Arakan (renamed by the military as Rakhine State in 1974), in Burma/Myanmar¹ and have a long history. They are one of the world’s most persecuted people. Historically, Arakan was an independent kingdom ruled by Hindus, Buddhists and Muslims. It was never a part of Burma until Burmese king Bodawpaya invaded and

occupied it in late 1784. Arakan had deep historical relations with Indian subcontinent and Muslim Bengal in the fields of culture, religion and politics. "Having genealogical link to the ancient Arakan people of Chandra dynasty, Rohingya have developed as a distinct ethnic group in Arakan from peoples of different ethnical backgrounds over the many centuries."²

Burma's parliamentary government (1948–56; 1957–58; 1960–62) of U Nu recognized Rohingya as an ethnic group and they enjoyed all benefits of citizenship in the country. But from 1962 military ruling the Rohingya have faced a continuous process of delegitimization and institutionalized persecution. They are not listed among the 135 so-called national races that Burma has recognized as indigenous. In 1982, the military regime enacted a new citizenship law that reflects anti-Indian and anti-Muslim racism. It serves as an oppressive legal tool particularly against Rohingya people rendering them stateless in their own homeland on grounds of their religion and ethnicity.

Due to large-scale persecution, mass exoduses of Rohingya into Bangladesh and other countries have continued. In 2017, the world was horrified by the images of hundreds and thousands of innocent Rohingya men, women and children fleeing mass atrocities. The 2018 report of the United Nation's Human Rights Council (HRC)-mandated Fact-Finding Mission (FFM) on Myanmar concluded that the State of Burma/Myanmar is responsible for carrying out acts of genocide against the Rohingya people and called for the arrest and prosecution of some top generals. It also concluded that Aung San Suu Kyi and her National League for Democracy (NLD) government is covering up crimes against Rohingya and failed to offer them protection.³

This article aims to address the Rohingya issue in an historical context. It argues that the Rohingya ethnic identity and citizenship are crucial for a permanent solution to their longstanding problem. It also argues that accountability, justice and guaranteeing full citizenship are indispensable and essential conditions for safe, dignified and sustainable repatriation of Rohingya refugees from Bangladesh to their homeland.

The main focus of this article is the persecution of the Rohingya, based upon their identity as a distinct ethnic and religious group, and to find a solution to their crisis. Despite historical and administrative documents, the ethnic Rohingya are excluded from the nation-building process and have been annihilated since military rule in Burma in 1962. This research investigates the consequences of Rohingya statelessness and humanitarian tragedies affecting the entire region and beyond. The overall objective of this research is to analyze the role of the Burmese government as well as its hostile attitude toward and mistreatment of the Rohingya population, a mistreatment which has prompted international calls for Rohingya to be protected.

The nature of this article relates to case study method which involves simply observing or reconstructing “the case history” of individuals and groups. Through the case study method, the author has investigated the Rohingya crisis from his decades-long experience on the issue. The author has evaluated available literature of private and public documents, reports from United Nations officials and agencies, the UN mandated Fact-Finding Mission on Myanmar, non-governmental organizations and the news media, as well as academic studies and scholarly books and articles. The author examines how Rohingya are being destroyed in Burma and looks at the global response to this human tragedy which is of great international concern.

Who are the Rohingya?

The Rohingya are a predominantly Muslim community. They are a borderland people living mainly in northern Arakan State with bona fide historical roots in the region. Despite being peace-loving and law-abiding people, they are not tolerated in Burma and are oppressed and persecuted beyond one’s comprehension for their ethnicity, religion and South-Asian appearance in contrast to the Southeast Asian appearance of dominant *Bamar* (Burman) people. This was done in order to rid Arakan of the Muslim population. “The United Nations has described them as the world’s most persecuted minority.”⁴ In terms of their origin and culture as well as their present geographical location, the Rohingya have mixed more with Indian people than with the Burmese. Being an ethnic mix of native Indo-Aryan, Bengalis, Persians, Moghuls, Turks and Pathans, they have evolved distinct ethnic characteristics over the past several centuries and developed a culture and language which is unique to the region and different from other people.⁵

Arakan in historical perspective

Arakan sits at the crossroad of South Asia and Southeast Asia, between Muslim-Hindu Asia and Buddhist Asia, and amidst Indo Aryan and Mongoloid races, and Rohingya people reflect this geographic reality. Located in the north-western region of Burma beside the south-eastern border of Bangladesh, historically Arakan has more interaction with the west or Bengal. During its days as an independent kingdom until 1784, Arakan encompassed the Chittagong region in the southern part of what is today known as Bangladesh. “Because of the political, cultural and commercial links between two territories, Arakan used to be called extended Chittagong”⁶ and Chittagong as Greater Arakan.

The massacre of 1942

The Second World War had a major bearing on the inter-communal relationship between the two major communities of Rohingya Muslims and Rakhine Buddhists. Following the British withdrawal to Shimla, India, there was an administrative vacuum in Arakan. In March 1942, taking advantage of the situation, armed gangs of Buddhist Rakhine carried out surprise but premeditated onslaughts on unarmed Rohingya under the tutelage of the Burma Independence Army (BIA). The townships of Myebon, Minbya, Myohaung, Pauktaw, Ponnagyun and Rathedaung were wiped clean of the Muslim Rohingya. The survivors escaped and evacuated through long, tortuous and hazardous routes across mountains to the border township of Maungdaw. A total of “307 Muslim villages were disappeared from the soil of Arakan. More than 100,000 Rohingya were massacred and [some] 80,000 of them took refuge in British-held territories of Chittagong and Rangpur in Bengal. The area in the east of the Kaladan river had turned into a Muslim minority area. But the losses in terms of human civilization and moral values were larger with irreparable damages.”⁷ It was also known as “1942 massacre” or “genocide.”⁸

Burma Territorial Force atrocities

Burma gained independence from the British on 4 January 1948 and U Nu became the first Prime Minister of the Republic. The new government had formed a Burma Territorial Force (BTF) with Rakhine youths, while the scar and pain of the 1942 pogrom was still afresh in the minds of the Rohingya people. Under the pretext of looking for so-called insurgents, the BTF and UMP (Union Military Police) unleashed a reign of terror in northern Arakan. Hundreds of Rohingya were arrested, tortured, killed and their women raped. In addition, a number of Rohingya villages were burned down, destroyed or plundered. The wholesale persecution “triggered refugee exodus into the then East Pakistan numbering more than 50,000 Muslims.”⁹

In a memorandum to Prime Minister U Nu, the Rohingya elders complained: “We are at pain to mention that since the 10th November 1948 our area has been turned into a land of tragedies. Many villages were burned 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 Rohingya in this area. Thousands of them were compelled to leave their ancestral home.”¹⁰

The emergence of the Mujahid movement

During the British colonial period, anti-Muslim sentiment was widespread in Burma. In Arakan, extreme hatred and suspicion toward Rohingyas was preached and grew in the minds of the Buddhist Rakhines largely during and after the 1942 pogrom. In the years just before Burma's independence, underground Rakhine armed groups emerged; and they were hostile to the Rohingyas.

On the eve of Burma's 1948 independence, Rakhine politicians hatched conspiracies with Burmese leaders to exclude Rohingya from the political process and participation. The Rohingya were granted the basic right to vote and contest the 1947 Constituent Assembly Election only by the intervention of the British Prime Minister Lord Atlee. Rumors were spreading like wildfire that the Muslims living on the Arakan border would be depopulated and removed to central Burma. Arakan would then be repopulated by Buddhist Rakhines. These behaviors and actions caused a deep-rooted fear in the minds of the Rohingya, forcing many young Rohingya to rise in arms in self-defense.

Upon Burma's 1948 independence, thousands of Rohingya refugees from the 1942 massacre (sheltering in refugee camps in Bengal) were not allowed to return. Those refugees who could return were barred from rebuilding their lives in their original places in and around central Arakan. Their lands were looted or taken away by Rakhine criminal gangs forcing them to steadily move to northern Arakan. Moreover, Rohingyas who had been civil servants under the British were dismissed and replaced with Buddhists. In this trying situation, the embryonic Rohingya resistance known as "Mujahid movement" gained impetus soon after Burma's independence in 1948.

Institutionalized persecution

Since Burma's independence, the Rohingya have suffered discrimination and been excluded from the process of nation-building. Particularly from the 1962 military takeover by the then Chief of Staff Gen. Ne Win, the Rohingya have faced a continuous process of de-legitimization, institutionalized persecution and worsening abuses culminating into one of the gravest genocides of the modern era. For nearly six decades, Rohingyas have been systematically deprived of their basic human rights and freedoms.

Ne Win expressed extremely negative views toward Rohingya and persecuted them where extremist Rakhine politicians and academics were intensely instrumental. In 1974, Ne Win's Burma Socialist Programme Party (BSPP) government had granted statehood to Arakan under the

name of “Rakhine State” attributing it to the Rakhine Buddhists at the exclusion of the Muslim Rohingya. Rohingya were marginalized, victimized, made increasingly landless, jobless, economically crippled and vulnerable causing recurrent waves of Rohingya refugees to flee from Arakan into Bangladesh and other countries.

Expulsion of Rohingya in 1978 and 1990–91

Bangladesh emerged as an independent country in 1971. When the new nation was struggling with nation-building, Burma carried out a mass deportation of Rohingya from their Arakan homeland under the code-names, “Operation Nagamin [Dragon King]” in 1978 and “Operation Pyi Thaya [Clean and Beautiful Nation]” in 1991–92 forcibly expelling 250,000 to 300,000 Rohingyas to Bangladesh and other countries on each occasion. Although the operations were designed to annihilate the Rohingya population, repatriations ensued following the two identical bilateral repatriation agreements signed between the governments of Bangladesh and Burma, respectively, in 1978 and 1991 under international pressure. Despite repatriations, the crux of the problem remained unsolved and intermittent exoduses of Rohingya to Bangladesh and other countries continued due to ceaseless persecution against them. “In both these instances – 1978 and 1991 – the Rohingya returned accidentally *not* as citizens of Myanmar but as ‘stateless’ people. And then after their return to Arakan they once again faced forced labor, lack of freedom of movement, periodic displacement, whimsical arrest and killing, and other forms of human rights violations, including torture and rape. If anything, this only helped to reproduce a dismal state of life and living for Rohingyas, that is, within Myanmar as *stateless* and outside of Myanmar’s borders as *refugees*.”¹¹

It is worth mentioning that the voluntary nature of repatriation was largely disputed as Rohingya representatives were not consulted, included or even involved in the process of repatriation and rehabilitation. Most of the refugees went back to Arakan but a number of them remained in Bangladesh dodging repatriation. The international community was apathetic to finding a solution to the problem while Bangladesh was simply concerned to discharging the refugee burden.¹²

Burma citizenship law of 1982

The most critical issue that remains is the legal status of the Rohingya in Burma and the implications that it carries in practice. In 1982, Ne Win promulgated the most oppressive three-tier form of citizenship: citizenship, associate citizenship and naturalized citizenship. “The timing of its

promulgation, shortly after the refugee repatriation of 1979, strongly suggests that it was specifically designed to exclude the Rohingya”¹³ who had previously been recognized as a national race of Burma. The 1982 laws “effectively deny to the Rohingya the possibility of acquiring a [Burmese] nationality.”¹⁴ The 1982 citizenship law targets all Rohingya activities: restricting their movements, marriage, religion and education. Every aspect of their daily life is a struggle. Despite being able to trace Rohingya history to the early eighth century, the law denies the Rohingya citizenship and distinguishes them from the state-accepted 135 so-called “racially pure ethnic groups.”¹⁵

The military’s construction – or recognition – of 135 so-called ethnic groups in Burma is whimsical and lacks consistency. In 1960 U Nu’s parliamentary government “estimated ethnic groups to be about fifty”¹⁶ and Rohingya were one of them as their representatives were invited to Union Day Celebration every year together with all other ethnic nationalities of the country. But Ne Win’s administration “listed 144 ethnic groups in the country.”¹⁷ After 1990, the military State Law and Order Restoration Council (SLORC) put only 135 groups or national races on a short list, deleting the three groups of Muslims in Burma: Rohingya (Muslim Arakanese), Panthay (Chinese Muslims) and Bashu (Malay Muslims) as well as six other smaller non-Burman groups.”¹⁸ This was clear injustice founded upon religious rancor and racial prejudice toward Muslims and non-Burman groups, particularly against Rohingya, who were considered not a “manageable” minority. Even the so-called 135 ethnic groups are highly divisive splitting some of the national races into so many groupings. For example, Burma’s list of ethnicities includes Chin nationality, under which a bewildering 53 “subgroups” are listed. But in a statement of Chin National Action Committee on Census (CNACC) requested [the government] that in the census everyone identifying under a Chin group be counted together as ethnic Chin.¹⁹ However, this creation of the ethnic groups was unjustified. According to Ne Win, “racially, only pure-blooded nationals will be called citizens.”²⁰ The Rakhine academic Dr. Aye Kyaw was instrumental in the making of this discriminatory racist law. He proudly claimed that he could devise a mechanism in order to denationalize the Rohingya people.²¹

The 1982 citizenship law violates several fundamental principles of international customary legal standards, violates the 1948 United Nation’s Universal Declaration of Human Rights and leaves Rohingyas lacking legal protection of their rights. The law has perpetuated the Rohingya citizenship crisis making them objects of persecution and discrimination and rendering them stateless in their native country. Such persecution and discrimination constitute a total disregard for the most elementary humanitarian principles and is contrary to the purpose of the United

Nations. One such resolution – unanimously adopted at 48th plenary meeting of the General Assembly – reads as follows:

The General Assembly declares that it is in the higher interests of humanity to put an immediate end to religious and so-called racial persecution and discrimination, and calls on the Governments and responsible authorities to conform both to the letter and spirit of the Charter of the United Nations, and to take the most prompt and energetic steps to that end (United Nations 1946).²²

Temporary Registration Card and Rohingya

In 1991, immediately after repatriation, the military regime began replacing National Registration Cards (NRCs), known as “Tri-fold Citizenship Cards,” with new citizenship cards often called “Pink Cards.” “But, in 1995, the regime started issuing Rohingya with Temporary Registration Cards (TRCs) known as “White Cards,” through a program funded by the United States and initiated by UNHCR pursuant to the 1949 Residents of Burma Registration Act, although Pink Cards were speedily issued to all other ethnicities.”²³ White card did not mention the bearer’s place of birth and could not be used to claim citizenship. The family list, which every family residing in Burma possesses does not indicate the place of birth and therefore provides no official evidence of birth in Burma, and so it perpetuates statelessness.

Then the authorities abruptly invalidated the Temporary Residence Cards on 31 March 2015, instantly subjecting the Rohingya to a range of serious restrictions on basic rights and freedoms, excluding them from UN sponsored national census in 2014, and depriving them of voting rights in 2015. In fact, although “Rohingya had participated in all elections held in Burma from 1936 to 2010 military-held elections and voted their representatives to the parliament and state assemblies, including the 2008 referendum for the adoption of the constitution of the state.”²⁴

Denial of birth registration

Many Rohingya children cannot even have their births registered. Without such registration, the children could not even attain elementary education. Professor Yanghee Lee, U.N. Special Rapporteur on Myanmar has stated, “No more than two children could be registered under the household lists, blacklisting more than 5,000 children.”²⁵ More than 40,000 Rohingya children in western Myanmar are deprived of rights to travel, attend school or marry, because their parents had an unauthorized marriage or exceeded the two-child limit the Burmese government has imposed on the Rohingya. These blacklisted children are refused birth

registration, and so are not included in family lists and must be hidden during the authorities' population checks.²⁶ This is a violation of the terms of UN Convention on the Rights of Child 1989, which Burma ratified in 1991.

Existence denied

In Burma, the Rohingya are viewed and treated as illegal Bangladeshi immigrants and are denied the right to exist in their own homeland. They are persistently facing ideological assaults from all directions, where the name "Rohingya" is blacklisted and not even mentionable in the country. Rohingya are hated, dehumanized, sarcastically called influx viruses, ugly ogres and dogs by xenophobic Rakhine academics, Buddhist extremists, and even referred to as such in Burma's diplomatic correspondence. It was shocking that the xenophobic and notorious Buddhist radical monk U Wirathu was praised by former President U Thein Sein as a "son of God" thus officially seeming to sponsor the monk's systematic racism and Islamophobia. Through the support of the military, malicious falsehood, inflammatory writings and hate speeches against Muslims and Rohingya have become almost commonplace in the public life of Burma. Online hate speech like "We should kill every Muslim. No Muslim should be in Myanmar ... Why Can't we kick out the Muslim dogs?"²⁷ is spreading and becoming more and more dangerous.

The status of Rohingya as an ethnic group in Burma was first rejected by the infamous military dictator, Gen. Ne Win and his cronies. This unmerited view has greatly influenced public opinion, the opinion of many within Burma's democracy movement and other ethnic groups. Nearly all members of these groups are reluctant or ambivalent to accommodate Rohingya within its alliances, and as a result, have excluded the group from the country's democracy and political process. Former U.S. Ambassador to Burma, Derek Mitchell said, "the Rohingya are oppressed by everybody. These people are stateless. They have nowhere to turn. And it is not going to be lost in the international community."²⁸

Restrictions on freedom of movement

Rohingya face restrictions on their movement in Burma. "They [have] needed permission to go to funerals or visit neighbors and family in other villages. They are prohibited from hosting people from other villages in their home. Pregnant women and others seeking medical assistance needed approval to go to hospitals or otherwise outside of their villages."²⁹ Even to travel just one mile or a few days outside of their villages, they have to pay for a pass.

Rohingya's lack of mobility has had devastating consequences, limiting their access to market, employment opportunities, health facilities and higher education. Those who overstay the time allowed by their travel pass are prevented from returning to their village as their names are deleted from their family lists. They are then obliterated administratively and compelled to leave Burma. Some Rohingyas have been prosecuted under national security legislation for traveling without permission.³⁰

The Border Guard Police (BGP) have set up many checkpoints around their villages and in many parts of northern Arakan. "It has been reported that being beautiful, being in the bath during patrols, undertaking forced labor duties for certain army units or commander on a given day or stopping at a given check point at certain time, might all lead to a woman or girl becoming a victim."³¹

Deprivation of right to education and health care

Since promulgation of the Burma Citizenship Law of 1982, a few Rohingya students have been able to continue studies beyond high school or grade 10. There are very few secondary schools in northern Arakan State. Only some of the Rohingya villages have primary schools and few Rakhine or non-Rohingya teachers are interested in teaching Rohingya students. Some villagers hire private Rohingya teachers known as "*paddy-teachers*" as they are paid with paddy.

Since 2011, Rohingya students have been rarely admitted at the Arakan State's only university in Sittwe and most of them have to enroll in distance learning programs. "Opportunities for Rohingya education in Myanmar's Rakhine State had been limited prior to 2012, with very high rates of illiteracy reported – up to 80% illiteracy,"³² a figure which further deteriorated after the 2012 genocidal onslaughts against them.

The Rohingyas have very little access to hospitals or clinics and have been deprived of health care. Rakhine and Burmese medical staff often consider Rohingya patients as worthless or beneath consideration and treat them with contempt. Rohingya patients are rarely admitted to hospitals with better-developed facilities and equipment like Sittwe General Hospital. In serious or life-threatening situations, some of the patients who can afford the treatment have crossed the border to Bangladesh, paying a bribe to the border authorities, to seek medical treatment "but are sometimes unable to return to their village."³³

Restriction on marriage

Since the creation of NaSaKa border security force in 1992, restrictions on Rohingya marriages have been imposed in northern Arakan State.

This restriction is enforced only on the Muslim population in this area. Marriage needs to be solemnized with the permission of Burmese authorities, and sometimes, in the presence of border security or army officers. It is near impossible for couples intending to marry and their guardians to fulfill all the conditions, which include medical tests, recommendations from various departments, including police, border security force, local army commanders and other law enforcement agencies.

The official government order notes the application for marriage requires a photograph of the couple, in which men are required to appear cleanly shaven. This requirement conflicts with religious customs of most men. In practice, women are required to appear in the photo without a hijab or headscarf, which also conflicts with commonly practiced religious customs.³⁴ Sometimes this requirement has eased off after paying large sums of money.

Generally, the prospective couples must wait for many years for marriage permission, which is never issued without paying a bribe. Since 2005, the couples have had to sign an agreement to not have over two children. Many Rohingya women who have become pregnant after marriage, but without official authorization, faced numerous dilemmas and troubles. They have often resorted to illegal abortions that have risked their lives or have had to flee to Bangladesh to escape arrest.

The former UN Special Rapporteur for Human Rights in Myanmar, Tomas Ojea Quintana expressed deep concern after visiting the Rohingya area of northern Arakan State.

The (Buthidaung) prison was full of women, some still nursing their young children. Most had been charged with immigration offences and received sentences of up to five years. But human rights groups believe they are victims of the government's ban on Muslims marrying. Men are often jailed for illegal marriages, but many, especially women, are arrested after travelling illegally [across the border] to Bangladesh to get married... The issue of unregistered children is serious as their numbers keep growing. What is the future of these children? ... Without being registered, they won't be able to apply for a travel permit, marriage, and so on. They are all potential refugees.³⁵

Rohingya boat people tragedy

Rejected in Burma and unwanted in neighboring Bangladesh and elsewhere, thousands of Rohingya since 2008 took dangerous voyages in rickety boats to other countries most heading toward Malaysia in search of safe shelter and protection. With continued persecution producing a climate of fear they fled in unprecedented numbers.

The fleeing people were often victimized at the hands of the human traffickers and greedy smugglers, who had links with powerful people. They risked dying when they were turned away and pushed out to sea, sometimes having their boat engines confiscated. Many died of starvation. Mass graves were discovered on the Thai-Malaysian borders. Likewise, the Bay of Bengal, Andaman sea and Strait of Malacca become graveyards for the Rohingya. Some Thai officials were reported to have sold the Rohingya. “Rohingya refugees were removed from Thai immigration centers and handed over to human traffickers waiting at sea.”³⁶ Reports emerged that several of these boats were being intercepted by the Thai navy and police, with deal then made to sell the people on the traffickers who transport them south toward Malaysia.³⁷

On 1 October 2019, UNHCR reported that 1600 Rohingya refugees and asylum seekers from Bangladesh and Burma sailed the Bay of Bengal and Andaman Sea between January 2018 and June 2019. It also estimated that one person in 69 who embarked on a maritime journey in 2018 died or went missing at sea during that 18-month period, compared with a fatality rate of one in 81 in 2013–15. Up to 2015, most of the travelers were men, compared with 59% women and children since 2018.³⁸

Nowadays as the Rohingya see no end to their plight – persecuted in Burma and impoverished in refugee camps in Bangladesh – they have become more desperate to risk death or injury by making perilous journeys at sea in overcrowded, unsafe boat – often at the mercy of traffickers and criminal organizations. At least 30 Rohingya refugees died at sea and almost 400 were rescued on 15 April 2020 by Bangladesh navy from a boat which had been adrift for over two months. Several boats carrying many hundreds of Rohingya women, men and children were stranded at sea after having been pushed away by Malaysia, which has imposed restrictions on all boats in light of the COVID-19 pandemic. “All countries in the region have a responsibility to ensure the seas do not become graveyards for people seeking safety. Bangladesh cannot be left to address this situation alone. The fact that it is upholding its own obligations is not an excuse for others to abandon theirs.”³⁹

Rohingya in Burma’s democratic transition

Under Burma’s 2008–2020 façade democratic transitions, Rohingya have lost all vestiges of their human rights. For the first time, they were excluded from UN-sponsored national census in 2014, systematically disenfranchised in the 2015 general election, and continued to be denied their legal right to citizenship and fundamental freedoms. NRCs were seized, proof of documentation destroyed and no documentation issued to a large number of Rohingya. On the contrary, they are being forced to

accept so-called National Verification Cards (NVCs), which are unnecessary as the authorities have full records of the Rohingya living inside Arakan through frequently updated “family lists.” NVC is a population statistic to use as an oppressive tool to deliberately identify Rohingya as foreigners. It is a part of the process to delegitimize the Rohingya population and put their nationality status in permanent limbo. “NVCs have played a key role in the apartheid system in Myanmar’s Rakhine State and have been described by the International State Crime Initiative as a ‘*tool of genocide*’.”⁴⁰

Sate Counselor Aung San Suu Kyi appears to have tried to make the Rohingya invisible. “Her government made an official request to the US ambassador to Burma to not even use the term ‘Rohingya’.”⁴¹ Regarding her attitude toward Rohingya, former British Prime Minister David Cameron writes,

By the time she came to visit London in October 2013, all eyes were on her country’s Rohingya Muslims, who were being driven out of their homes by Buddhist Rakhines. There were stories of rape, murder and ethnic cleansing. The world is watching, I told her. Her reply was telling: “They are not really Burmese. They are Bangladeshis. She became de facto leader in 2015, and the violence against the Rohingya went on.”⁴²

Unlike Aung San Suu Kyi, her father and the Burma independence hero, Gen. Aung San, during his visit to Akyab/Sittwe in 1946, assured the Rohingya leaders saying: “I want to work together, live and die together with the Muslims. I give you a blank cheque and [you may] demand what you want, and I will fulfill them as much as possible. If indigenous people are divided, it would be difficult to achieve independence.”⁴³

But over 70 years later, “the rape of Rohingya women by Myanmar security forces has been sweeping and methodical.”⁴⁴ The military’s barbaric acts of violence have left countless women and girls brutally harmed and traumatized.⁴⁵ Yet Aung San Suu Kyi has been dishonest defending the brute force denying the rape stories as “fake rape.” She could have saved many lives and the destruction of the Rohingyas and other Muslims, but was uncharacteristically silent and reluctant to help them, and indeed, she was not totally powerless.

Crimes against humanity and genocide

Intimidation, institutionalized persecution and deadly violence against Rohingya have long occurred and persist all over Arakan State with full impunity. In 2012, violence broke out in several Muslim pockets in other parts of Burma. From 2012 to 2016 and most dramatically in 2017, wholesale destruction, systematic rape and mass killings were carried out

against Rohingya in Arakan State as a part of the government policy to erase them in whole or in part.

In 2012, an estimated 2000 Rohingya and other Muslims were killed, drowned or went missing; hundreds of women and girls were raped; many hundreds of homes, mosques and religious schools were burned down. Some 1600 Rohingya were arrested and about 140,000 Rohingyas and Kaman Muslims were removed to apartheid-like concentration camps, where they have been languishing for more than seven years, without basic freedoms, including education, adequate food, sanitation and healthcare. Humanitarian aid was blocked to reach the needy Rohingyas causing them starvation in locked villages and ghettos without any means of support. "Those who fled to Bangladesh across the Naf river, were sometimes, attacked by the Burmese navy and helicopter gunships, while a number of the survivors were turned back by the Bangladesh border guards until mass deportation in August 2017."⁴⁶

In 2017, the world was appalled by the images of hundreds and thousands of Rohingya men, women and children again fleeing mass atrocities. Families were massacred, hundreds of villages scorched, thousands of houses burned to the ground, women gangraped, babies thrown into the flame, and more than 750,000 Rohingya were forcibly expelled into Bangladesh, causing regional instability and threats to international peace and security. Bangladesh has sheltered them on humanitarian grounds despite the economic constraints. The mass killing and wholesale destruction were carried out in several places of Maungdaw district. "The systematic mass killing in the villages of Du Chee Yar Tan (Kilaidong) in 2013 and Tulatuli, Dunbaik, Alethankyaw (Hasurata), Gu Dar Pyin in 2017 were unprecedented."⁴⁷

Article 7(1) of the Rome Statute of the International Criminal Court (1998) states, for the purpose of the Statute:

Crime Against Humanity means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: (a) Murder; (b) Extermination; (c) Deportation or forcible transfer of population; (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) Torture; (g) Rape, slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender grounds; (i) Enforced disappearance of persons; (j) The crime of apartheid; (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

On 2 September 2017, 10 Rohingya men from the village of Inn Din, in Maungdaw township, were roped together and watching Buddhist

villagers digging a shallow grave. Before long, all 10 men were laid dead in the grave. Two had been hacked to death by the Buddhists, and eight were shot by the Burmese security forces, according to Reuters, which interviewed witnesses to the massacre and exposed it. Mass graves have also been discovered in several places in northern Rakhine State since 2012.⁴⁸

In 2018, the Associated Press news agency reported the existence of at least five mass graves of Rohingya in the village of Gu Dar Pyin, in the township of Buthidaung. The report described gruesome violence at the hands of soldiers and Buddhist vigilantes, who allegedly attacked villagers with guns, knives, rocket launchers and grenades before dumping bodies into pits and dousing them with acid.⁴⁹ The villagers estimate the toll could be as high as 400, based on testimony from relatives and the bodies seen in the graves and strewn about the area.⁵⁰

A fundamental principle of international humanitarian law is that it is never permitted to target civilians, other noncombatants or civilian property for attack. This has been codified in the Geneva Conventions, which the Burmese junta ratified in 1992. In relation to crimes against humanity, attacks on civilians do not only refer to military assaults but also to the “multiple commission of acts” including murder, enslavement and forcible transfer of population, torture and rape.⁵¹

From 25 August 2017, nearly 24,000 Rohingya Muslims were killed, some 18,000 Rohingya women and girls were raped by Myanmar army and police, more than 34,000 Rohingya were also thrown into fires, over 114,000 others were beaten, 115,000 Rohingya homes were burned down and 113,000 others vandalized, according to a report by Ontario International Development Agency (OIDA).⁵² It was a conservative estimate and the actual casualties were likely higher.

Based on the definition of Rome Statute of the International Criminal Court (ICC), it can be inferred that crimes against humanity of murder, extermination, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty, torture, rape and sexual violence, forced pregnancy, persecution, enforced disappearance of persons and crimes against humanity of other inhumane acts have been committed against Rohingya people with manifest “genocidal intent” to destroy this minority community from Arakan, Burma. According to the UN, “Myanmar’s military carried out mass killings and gang rapes of Muslim Rohingya with “genocidal intent” and the commander-in-chief [Min Aung Hlaing] and five generals should be prosecuted for orchestrating the gravest crimes under law.”⁵³

Based on the circumstances of the crimes against humanity against Rohingya with some of the *factual events* mentioned above and drawing on 1948 Convention on the Prevention and Punishment of the Crime of

Genocide, it is a case of genocide. “There were originally at least three differences between crimes against humanity and genocide. The first was that crimes against humanity were seen primarily in the context of aggressive war, whereas genocide was defined as a crime that could be committed in times of war and peace. The second was that crimes against humanity were limited attacks on civilian groups, whereas genocide is a crime that can also be committed against military groups. The third was that only genocide involves the intent to destroy a group. But the advent of ICC, whose remit includes both crimes against humanity and genocide, as well as war crimes, has brought all of these more closely together.”⁵⁴

Article II of the Convention clearly defines genocide as the act of destroying in whole or in part, a national, ethnical, racial or religious group – such acts are held to include: killing, seriously injuring or causing mental harm to members of such groups, inflicting upon such groups adverse living conditions so that physical destruction of the group is threatened, deliberate attempts to prevent members of the groups from having children and forcibly transferring children from one group to another.

A joint report by Simon-Skjodt Center for the Prevention of Genocide and Fortify Rights documented how, in 2017, Myanmar army, air force, police force, and armed civilians carried out an unprecedented, widespread and systematic attack on Rohingya civilians throughout northern Rakhine State with brutal efficiency. They continue to be gravely concerned about growing evidence of genocide against Rohingya Muslims in northern Rakhine State.⁵⁵

Reports of the UN Independent Fact-Finding Mission on Myanmar

In September 2018, the UN Human Rights Council (HRC)-mandated Independent International Fact-Finding Mission on Myanmar (IIFMM) released a searing report detailing state violence against Rohingya and demanding that Myanmar’s military leadership be held accountable for “genocide.”⁵⁶

The report concluded that the military, as well as some civilians, have committed genocide, crimes against humanity and war crimes against its own people; Myanmar’s civilian authorities, including State Counselor Aung San Suu Kyi, have not met their “responsibility to protect the civilian population” and have enabled the commission of atrocity crimes. The report found evidence of “genocidal intent,” including policies designed to alter the demographic composition of Arakan/Rakhine State and a premeditated plan for the destruction of Rohingya communities, and called for Myanmar’s top military officials, including Armed

Forces Commander-in-Chief Gen. Min Aung Hlaing, to be prosecuted for genocide, crimes against humanity and war crimes. It also called upon the UN Security Council (UNSC) to refer the situation to the International Criminal Court (ICC) or create an ad hoc international criminal tribunal. “On 22 October 2019 the head of the IIFFMM Marzuki Darusman told the General Assembly that Myanmar was failing in its obligations under the Genocide Convention to prevent, to investigate and to enact effective legislation criminalizing and punishing genocide.”⁵⁷ IIFFMM experts noted that there was “no evidence that the Myanmar government is acting in good faith to resolve the crisis or facilitate the safe return of refugees (from Bangladesh).”⁵⁸

On 11 November 2019, The Republic of Gambia – with the backing of the 57 members of the Organisation of Islamic Cooperation (OIC) – filed a case before the International Court of Justice (ICJ) alleging that Burma’s atrocities against the Rohingya in Arakan/Rakhine State violate various provisions of the Convention on the Prevention and Punishment of the Crime of Genocide (“the Genocide Convention”). “On 14 November Rohingya and Latin American human rights groups submitted the lawsuit in Argentina under the principle of ‘universal jurisdiction’ a legal concept enshrined in many countries’ laws. The lawsuit demanded top military and political leaders – including army chief Min Aung Hlaing and civilian leader Aung San Suu Kyi – face justice over the ‘existential threat’ faced by the Rohingya Muslim community.”⁵⁹

At the request of The Gambia, on 23 January 2020, the ICJ ordered provisional measures on the basis that the current situation in Burma could cause the Rohingya people “irreparable harm.” The unanimous decision found the following:

- Myanmar *must* take all measures to prevent the commission of all acts under the Genocide Convention.
- Myanmar should ensure that its military and any related entities do not commit or perpetrate acts of genocide.
- Myanmar shall take effective measures to not destroy evidence and preserve all evidence in relation to the allegations of acts of genocide.
- Myanmar should present a report to the Court of its progress on these measures in four months’ time, and thereafter every six months until a final decision on the case is rendered by the Court.⁶⁰

In February, the Maldivian government said it would formally join The Gambia in challenging Burma’s 2017 military crackdown. It has hired

prominent human rights lawyer Amal Clooney to represent it at the UN's highest court in seeking justice for the persecuted Rohingyas.⁶¹

Tremendous humanitarian disaster

The plight of Rohingya is one of the greatest humanitarian crises of our time. Today Bangladesh is home to some 1.2 million Rohingya including those who came after 25 August 2017. The government and people of Bangladesh generously welcomed them, showing solidarity by a merciful and humanitarian gesture. However, for two years, close to one million refugees remain stuck in makeshift camps living in a relatively small geographical area. They are facing multiple problems in camps. Refugees who are women and children are particularly vulnerable. They often suffer from forced marriage, abuses, abduction and human trafficking. They should be protected from human traffickers, gangs and other criminals. Considering the depth of the Rohingya crisis, Bangladesh should recognize them as refugees instead of using the phrase *"forcibly displaced persons from Myanmar."*⁶²

The Rohingya refugees are traumatized. Rapes were often committed by Burmese security forces and Buddhist vigilantes in public spaces and in front of families and communities, maximizing humiliation and trauma. Mothers, gangraped in front of their young children, were often severely injured and, in some instances, killed. Besides the rape victims, children from the rapes, women impregnated by the rape are additional issues.

In Bangladesh, there are social and environmental problems in the refugee area. Locals feel that they are outnumbered by the refugees. Their sympathy is fading and demand immediate repatriation of the refugees or confining them to a locked area. The vested interest groups, seeking to exacerbate tensions between the host population and the refugees, are partly responsible for this untoward development.⁶³

On 25 August 2019, around 200,000 Rohingya gathered in the world's largest refugee camp of Kutupalong in Cox's Bazar district for a peaceful rally to commemorate the second anniversary of Rohingya genocide or their forced exodus, and to demand repatriation to Burma/Myanmar with full citizenship. It was also a camp-wide prayer rally of homesick refugees who could not stop crying while seeking God's help to return home soon. Unfortunately, this emotional prayer gathering was misinterpreted as undesirable by the Bangladeshi authorities. Beginning on 9 September 2019, the refugees began facing a communications blackout with virtually no mobile phone and internet services, severing a vital link with family members, humanitarian actors and the outside world. Furthermore,

Bangladeshi authorities are now erecting barbed wire fences around the refugee camps with a view to closely monitoring refugees' activities.

However, Bangladesh recently decided to offer schooling and skills training opportunities to the Rohingya refugee children, allowing them to receive a formal education of up to 14 years. A pilot project led by UNICEF and Bangladesh is supposed to start soon with the initial involvement of 10,000 students in grade six to nine. It is important that access to appropriate, accredited and quality education be extended to all Rohingya refugees. It is encouraging that on 28 January 2020, Bangladesh Foreign Minister Dr. AK Abdul Momen told AFP, "We don't want a lost generation of Rohingyas. We want them to have education. They will follow Myanmar curricula."⁶⁴

The foremost priority for the Rohingya is to return home

Without accountability, justice and guaranteeing their protection of fundamental rights with full citizenship, it will never be safe for the Rohingya refugees to return to Burma. Since the repatriation agreement signed between the governments of Bangladesh and Burma on 23 November 2017, rights groups have raised concerns over the tedious and complicated repatriation process, including where the persecuted minority will be resettled since hundreds of their villages have been razed, and how their safety will be ensured in a country with raging anti-Muslim sentiment. Some aid workers fear they could be forcibly interned. Sadly, still the government, military and political leaders in Burma show no sign of relenting in their long hostility toward the Rohingya. Bangladesh Prime Minister Sheikh Hasina rightly said, "Myanmar is dragging its feet on resolving the Rohingya crisis although it signed bilateral agreements with Bangladesh following pressure from the international community, including the United Nations."⁶⁵

Nevertheless, the foremost priority of the Rohingya people is to return home. But they cannot return where bloodshed and violence await them, and genocide is ongoing. There is no evidence of Burmese government creating conditions for voluntary, safe, dignified and sustainable return. On the contrary Rohingya villages have been bulldozed, without a single tree left standing, and destroying any potential evidence of atrocities and erasing any signs of former existence of a Rohingya civilization. Their lands have been declared as state property with a design to establish more Buddhist settler villages and "economic zones with mysterious consortium."⁶⁶

Since November 2018, fighting has been continuing in Arakan/Rakhine State between the Burmese Army and Arakan Army, a Buddhist Rakhine armed group founded in 2009 which is seeking greater autonomy

for Arakan State. Burmese security forces shelled villages and killed innocent people (including school children), blocked food supplies, arbitrarily detained civilians and internally displaced tens of thousands of Buddhist and Muslim villagers. “A senior official of Rakhine’s regional government said this is a clear message from the military that they are not accepting the ICJ ruling.”⁶⁷ The Office of the UN High Commission for Human Rights condemned the attacks as war crimes.

Solution to the Rohingya crisis

- A. The Rohingya crisis is first and foremost to be solved within Burma. For a genuine long-term solution, the government of Burma must recognize and restore full citizenship and ethnic identity of the Rohingya. All refugees must be unconditionally repatriated to their original villages or places, *not* to displacement sites in Burma, under the supervision of the United Nations with the international community. The political and democratic process in Burma should be all-inclusive and Rohingya must be a part of it. The Rohingya should be able to peacefully co-exist as equals in Arakan/Rakhine State with their “*collective rights*” within the Union of Burma/Myanmar on a par with other ethnic nationalities of the country. The government must dismantle apartheid system of Arakan State straightaway, and it should sincerely contribute toward implementing genuine dialogue for promoting reconciliation and rapprochement between the two sister communities of Rohingya and Rakhine and for restoring peace and reducing tension in Arakan State.
- B. It is of vital importance that the root causes of the Rohingya crisis, the security of their life, property, dignity and honor and issues of their statelessness and refugeehood, their displacement and marginalization must be effectively dealt with. Food security, economic and social development, respect for religion and culture, freedom of movement, worship, equal political participation, land and property ownership, unimpeded access to schools and higher studies, employment and livelihood opportunities and the unbridled right to marry and have families are some of the key issues to be dealt with.
- C. Meanwhile, the international community as a whole need to take the following immediate measures:
 1. Increase effective pressure on Burma, as well as on its foremost allies, China and Russia.

2. The persecution of Rohingya is a regional and global problem and ASEAN countries should find a regional solution to the Rohingya crisis. The ASEAN member states should give precedence to the Rohingya human rights issue over their business interests in order to promote regional stability, peace and security.
3. Vocally support the Rohingya people's rights to be legally recognized as an ethnic minority in Burma as well as restoration of full citizenship consistent with other ethnic nationalities of Burma and support the use of the name of their ethnic group as Rohingya. The National Verification Card (NVC) process must be withdrawn. It is neither a solution for the refugee repatriation crisis nor a pathway to citizenship. It is vital to amend the discriminatory Burma Citizenship Law of 1982, aligning it to international human rights law and citizenship standards.
4. Ensure that the International Court of Justice "Orders on Request for the Indication of Provisional Measures" are enforced to protect the Rohingya.
5. Recognize the crimes perpetrated against Rohingya as genocide and crimes against humanity and war crimes as termed by UN Independent Fact-Finding Mission on Myanmar.
6. Support credible accountability efforts to ensure victims see justice served and the cycle of violence is not repeated. All perpetrators must be brought to justice. This includes referring the situation in Burma to the International Criminal Court (ICC) and other international tribunals. The world needs to show that it is not ready to tolerate such barbaric acts.
7. Strengthen targeted sanctions against the government of Burma and its military. It is time to move beyond symbolic sanctions and target or increase sanctions against the concrete economic interests of the military. Trade preference must be linked to clear conditions on human rights and the need to see tangible progress in the conditions affecting the Rohingya.
8. Support efforts to establish a stabilization force, under an independent international community, in order to facilitate a peaceful repatriation process, to protect the Rohingya inside Burma and stem future violence, and to help build peaceful coexistence between the Rohingya, Rakhine and all other ethnic groups. Presence of a stabilization force will help build confidence in the minds of traumatized and terrorized refugees.
9. Rohingya must be directly consulted, included and involved in decision-making to ensure that their views shape the terms of all future repatriation efforts.

10. Increase support for refugees in the camps of Bangladesh, who are in desperate need of education, security, adequate health care, including mental health and trauma rehabilitation programs, targeting in particular children and those who have been impacted by sexual violence.
11. Support the government of Bangladesh and fully fund the U.N.'s Joint Response Plan to cover the cost of food, water, shelter, sanitation and medical care for the refugees.
12. All restrictions, persecution and ghettoization against Rohingya must be ended. All Rohingyas who have been confined in apartheid-like concentration camps in Sittwe and other southern towns since the 2012 genocidal onslaughts must be rehabilitated and reintegrated into their original places of existence and properties.
13. The government of Burma must allow unimpeded humanitarian aid to all needy, and unfettered access to the international media, observers and rights groups to northern Arakan State.

Conclusion

The Rohingya crisis is one of the world's longstanding problems. The persecution of Rohingya is so callous, it beggars all description. The Rohingya have endured what no human beings should have to endure. The international community must not fail them again. Nevertheless, the solution to this problem lies first and foremost with Burmese state officials. But there has not been any positive change for the Rohingya over recent years and they continue facing threats to their existence. This deplorable situation must end. The Burmese government must create suitable conditions for the voluntary, safe, dignified and sustainable return of the Rohingya population to their homeland. Indeed, the Rohingya are entitled to all rights and privileges on a par with other ethnicities of Burma. The international community also has a responsibility to protect this population from the risk of further atrocities. Under the present unsafe conditions, the return of Rohingya refugees from Bangladesh and elsewhere to Burma will put them at risk of further crimes.

Notes

1. Throughout this article, the name "Burma" and "Arakan" will be used except when quoting other writers or public documents where "Myanmar" and "Rakhine State" are used.
2. Nurul Islam "Rohingya: The Descendants of Ancient Arakan," *Dhaka Tribune*, October 12, 2020, <https://www.dhakatribune.com/magazine/weekend-tribune/2017/10/12/rohingya-descendants-ancient-arakan> (accessed May 12, 2020).

3. Office of the United Nations High Commissioner for Human Rights, "Report of the Detailed Findings of the Independent Fact-Finding Mission on Myanmar" (A/HRC/39/CRP.2, Geneva, Switzerland, September 18, 2018), <https://www.ohchr.org/en/hrbodies/hrc/myanmarffm/pages/index.aspx> (accessed December 19, 2019).
4. Nic Dunlop, "Camps Bring Further Danger to Rohingya Muslims Fleeing Potential Genocide in Burma", *Newsweek*, October 26, 2014, <https://www.newsweek.com/2014/10/31/enforced-confinement-brings-further-danger-rohingya-muslims-fleeing-potential-279665.html> (accessed April 20, 2020).
5. Nurul Islam, "Rohingya and Nationality Status in Myanmar," in *Citizenship in Myanmar: Ways of Being in and from Burma*, ed. Ashley South and Marie Lall (Chiang Mai, Thailand: Chiang Mai University Press, 2018), 267.
6. Bangladesh Institute of Law and International Affairs, "Arakan in Historical Perspective," *Monthly Bulletin of the Bangladesh Institute of Law and International Affairs, Dhaka, Bangladesh* 1, no.4 (1978).
7. AFK Jilani, *The Rohingyas of Arakan: Their Quest for Justice* (Chittagong, Bangladesh: Taj Library, 1999), 144.
8. Helal Uddin Ahmed, "A historical overview of the Rohingya Crisis" *Dhaka Tribune*, July 27, 2019, <https://www.dhakatribune.com/opinion/longform/2019/07/27/a-historical-overview-of-the-rohingya-crisis> (accessed April 24, 2020).
9. AFK Jilani, *The Rohingyas of Arakan: Their quest for justice*, 174.
10. AFK Jilani, *Human Rights Violations in Arakan* (Chittagong, Bangladesh: Taj Library, 2002), 38.
11. Imtiyaz Ahmed, "Protected Statelessness in the Age of Globalization," (paper presented at the Forgotten Kingdom of Arakan workshop, First Hotel, Bangkok, Thailand, November 23–24, 2005).
12. Human Rights Watch, *Burmese Refugees in Bangladesh: Still no Durable Solution*, vol. 12, no. 3C (New York, United States: Human Rights Watch, 2000), <https://www.hrw.org/report/2000/05/01/burmese-refugees-bangladesh/still-no-durable-solution> (accessed January 27, 2020).
13. Chris Lewa, "North Arakan: An Open Prison for the Rohingya in Burma", *Forced Migration Review* 32, (2009): 11–13, https://refugeereseach.net/rrn_node/north-arakan-an-open-prison-for-the-rohingya-in-burma/ (accessed December 30, 2019).
14. Human Rights Watch, *Burmese Refugees in Bangladesh: Still no Durable Solution*, vol. 12, no. 3 (New York, United States: Human Rights Watch report, 2000), <https://www.hrw.org/reports/2000/burma/index.htm> (accessed December 30, 2019).
15. Nurul Islam, "Rohingya and Nationality Status in Myanmar", in *Citizenship in Myanmar: Ways of Being in and from Burma*, 270.
16. A 1960 publication of Ministry of Culture, Rangoon.
17. *Botataung Daily* (Burmese newspaper), Rangoon, 23 February 1973.
18. Nurul Islam, "Rohingya and Nationality Status in Myanmar", in *Citizenship in Myanmar: Ways of Being in and from Burma*, 268.
19. Yen Saning, "Chin Group Says Burma Census Ethnicity Question Caused Confusion" *The Irrawaddy*, May 9, 2014, <https://www.irrawaddy.com/news/burma/chin-group-says-burma-census-ethnicity-question-caused-confusion.html> (accessed December 31, 2019).
20. *Working People's Daily*, Speech by Gen. Ne Win, Rangoon, 9 October 1982.

21. Interview with Dr. Aye Kyaw, "An Historian Looks at Rohingya," *The Irrawaddy*, October 7, 2009, https://www2.irrawaddy.com/article.php?art_id=16946 (accessed November 12, 2019); Abid Bahar, *Burma's Missing Dots: The Emerging Face of Genocide* (US: Xlibris Corporation, 2010), 120.
22. UN General Assembly, Persecution and Discrimination, 19 November 1946, A/RES/103, <https://www.refworld.org/docid/3b00f08727.html> (accessed April 8, 2020).
23. Kitty McKinsey "Myanmar: UNHCR Promotes First Significant Steps Towards Citizenship for Disenfranchised Minority, July 23, 2007," <https://www.unhcr.org/en-my/news/latest/2007/7/46a4c9f82/myanmar-unhcr-promotes-first-significant-steps-towards-citizenship-disenfranchised.html> (accessed May 31, 2020).
24. Nurul Islam, "Rohingya and Nationality Status in Myanmar", in *Citizenship in Myanmar: Ways of Being in and from Burma*, 267.
25. Yanghee Lee, "Myanmar's Policies of Persecution Towards Rohingya as a Classic Genocide" (paper presented at the International Conference on Protection of Rohingya Survivors and Accountability for Genocide held in Seoul, August 23, 2019).
26. Testimony of the President of Genocide Watch Dr Gregory H. Staton "Persecution, Forced Displacement, and Genocide of Rohingya, Kachin, Shan, Karen and other minorities of Myanmar" to the Parliament of People's Tribunal, Kuala Lumpur, Malaysia, September 18, 2017, <https://www.genocidewatch.com/single-post/2017/09/18/Persecution-Forced-Displacement-and-Genocide-of-Rohingya-Kachin-Shan-Karen-and-other-minorities-of-Myanmar> (accessed October 6, 2019).
27. See, Aljazeera, Hereward Holland, "Facebook in Myanmar: Amplifying hate speech," 14 June 2014.
28. Patrick Barta, "U.S. Ambassador in Myanmar Speaks out on Rohingya" *The Wall Street Journal*, August 24, 2012, <https://blogs.wsj.com/indonesiarealtime/2012/08/24/u-s-ambassador-in-myanmar-speaks-out-on-rohingya/> (accessed November 30, 2019).
29. See, Argelyn Adlawon, "Documenting Atrocity Crimes Committed Against the Rohingya in Myanmar's Rakhine State", (Amsterdam Law Form, February 21, 2019), 13. <https://www.publicinternationalallawandpolicygroup.org/rohingya-report> (accessed March 12, 2019).
30. Chris Lewa, "North Arakan: An Open Prison for the Rohingya in Burma".
31. JC Powderly, WA Schabas, N Prud'homme, "Crimes Against Humanity in Western Burma: The Situation of the Rohingyas" (Irish Centre for Human Rights/ Irish Department of Foreign Affairs, 2010) 75, <http://www.nuigalway.ie/media/intranet/Crimes-Against-Humanit-in-Western-Burma.pdf> (accessed May 20, 2019).
32. Mushfique Wadud, "Universities Take Up Rohingya Cause, Call for Research" *University World News*, October 6, 2017, <https://www.universityworldnews.com/post.php?story=20171006115538823> (accessed December 4, 2019).
33. Chris Lewa, "North Arakan: An Open Prison for the Rohingya in Burma."
34. Fortify Rights, "Policy of Persecution: Ending Abusive State Policy Against Rohingya Muslims in Myanmar," (February 2014) 32, https://www.fortifyrights.org/downloads/Policies_of_Persecution_Feb_25_Fortify_Rights.pdf (accessed November 12, 2019).

35. Larry Jagan, "UN Examines Mistreatment of Muslims in Myanmar", *The National*, February 23, 2010, <https://www.thenational.ae/world/asia/un-examines-mistreatment-of-muslims-in-myanmar-1.544056> (accessed November 4, 2019).
36. Simon Lewis, "Mass Graves of Suspected Trafficking Victims Found in Malaysia", *The Guardian*, May 24, 2015, <https://www.theguardian.com/world/2015/may/24/mass-graves-trafficking-malaysia-perlis> (accessed September 11, 2019).
37. Jonah Fisher "Burmese Refugees Sold on by Thai Officials", *BBC*, January 21, 2013, <https://www.bbc.com/news/world-asia-21115728> (accessed December 10, 2019).
38. Aljazeera, "Rohingya Refugees Continue to Risk Lives to Seek Safety: UNHCR", October 10, 2019, <https://www.aljazeera.com/news/2019/10/rohingya-refugees-continue-risk-lives-seek-safety-unhcr-191001075311416.html> (accessed December 18, 2019).
39. Amnesty International, "Rohingya Refugees Stranded at Sea Show Urgent Need for Regional Response," April 22, 2020, <https://www.amnesty.org/en/latest/news/2020/04/bangladesh-urgent-response-needed-for-rohingya-refugees-stranded-at-sea/> (accessed May 21, 2020).
40. Richard Potter and Kyaw Win, *National Verification Cards – A Barrier to Rohingya repatriation* (London, United Kingdom, 2019), 10, <http://www.bhrn.org.uk/en/report/1090-national-verification-cards-a-barrier-to-rohingya-repatriation-full-report.html> (accessed October 17, 2019).
41. Richard C. Paddock, "Aung San Suu Kyi Asks U.S. Not to Refer to 'Rohingya,'" *The New York Times*, May 6, 2016, <https://www.nytimes.com/2016/05/07/world/asia/myanmar-rohingya-aung-san-suu-kyi.html> (accessed October 15, 2019).
42. David Cameron, *For the Record* (Canada: Hopper Collins Publisher, 2009), 492.
43. Aung Zaw, "Renowned Indigenous Muslim Intellectuals", *Islam Magazine* (in Burmese), Central Islamic Council of Myanmar, Yangon, vol. II, no. 60 (2008): 188.
44. Aljazeera, "Army's Rape of Rohingya Women Sweeping, Methodical: AP," December 11, 2017, <https://www.aljazeera.com/news/2017/12/rape-rohingya-women-sweeping-methodical-ap-171211063236832.html> (accessed November 21, 2019).
45. AFP, "Myanmar Troops Gang-Raped Rohingya Women and Girls: Human Rights Watch," November 16, 2017, <https://www.nst.com.my/world/2017/11/303976/myanmar-troops-gang-raped-rohingya-women-and-girls-human-rights-watch> (accessed November 11, 2019).
46. See, Amnesty International, *Bangladesh Pushes Back Rohingya Refugees Amid Collective Punishment in Myanmar* (London: Amnesty International, 2016), <https://www.amnesty.org/en/latest/news/2016/11/bangladesh-pushes-back-rohingya-refugees-amid-collective-punishment-in-myanmar/> (accessed February 24, 2020).
47. See, Nurul Islam, "Du Chee Yar Tan Massacre", *Kaladan Press Network*, February 15, 2014, <https://www.kaladanpress.org/index.php/commentary/106-kpn/4452-du-chee-yar-tan-massacre.html> (accessed November 12, 2019); Oliver Holmes, "Massacre at Tula Toli: Rohingya Recall Horror of Myanmar Army Attack", *The Guardian*, September 7, 2017, <https://www.theguardian.com/world/2017/sep/07/massacre-at-tula-toli-rohingya-villagers->

- recall-horror-of-myanmar-army-attack (accessed February 13, 2019); Kaladan Press Network, "The Killing Fields of Alethankyaw" (Chittagong, Bangladesh: Kaladan Press Network, 2018), 15; Foster Klug, "AP Finds Evidence for Graves, Rohingya Massacre in Myanmar," *AP News*, February 2, 2018, <https://apnews.com/ef46719c5d1d4bf98cfefcc4031a5434/AP-finds-evidence-for-graves,-Rohingya-massacre-in-Myanmar> (accessed March 12, 2020).
48. BBC, "Rohingya Crisis: Myanmar Army Admits Killing," January 10, 2018, <https://www.bbc.com/news/world-asia-42639418> (accessed January 12, 2020)
 49. Foster Klug, "AP Finds Evidence for Graves, Rohingya Massacre in Myanmar," February 2, 2018, <https://apnews.com/ef46719c5d1d4bf98cfefcc4031a5434/AP-finds-evidence-for-graves,-Rohingya-massacre-in-Myanmar> (accessed January 13, 2019).
 50. Bangkok Post, "Five Previously Unreported Myanmar Mass Graves Confirmed," February 1, 2018, <https://www.bangkokpost.com/world/1405654/five-previously-unreported-myanmar-mass-graves-confirmed> (accessed November 20, 2019).
 51. ICRC, "Myanmar: ICRC Denounces Major and Repeated Violations of International Law," Press release of the International Committee of Red Cross, 29 June 2007, <https://avarchives.icrc.org/Film/1160> (22 January 2020), ICRC audio visual archives.
 52. Mohsin Habib, Christine Jubb, Salahuddin Ahmad, Masudur Rahman, and Henri Pallard, *Forced Migration of Rohingya: The Untold Experience* (Ottawa, Canada: Ontario International Development Agency, 2018), <https://trove.nla.gov.au/version/258690376>
 53. Stephanie Nebehay, "Myanmar Generals Had 'Genocidal Intent' Against Rohingya, Must face Justice-UN", *Reuters*, August 27, 2018, <https://www.reuters.com/article/myanmar-rohingya-un/myanmar-generals-had-genocidal-intent-against-rohingya-must-face-justice-un-idUSL8N1VH04R> (accessed December 30, 2019).
 54. Philip Spencer, *Genocide Since 1945* (Routledge, 2012), 22.
 55. Simon-Skjodt Centre for the Prevention of Genocide, United States Holocaust Museum and Fortify Rights, "They Tried to Kill Us All: Atrocity Crimes against Rohingya Muslims in Rakhine State, Myanmar," (Washington, DC: Fortify Rights, 2017), <https://www.ushmm.org/m/pdfs/201711-atrocity-crimes-rohingya-muslims.pdf> (accessed September 23, 2019).
 56. The Conversation, "Myanmar Charged With Genocide of Rohingya Muslims: 5 Essential Reads" December 12, 2019, <https://theconversation.com/myanmar-charged-with-genocide-of-rohingya-muslims-5-essential-reads-128742> (accessed April 16, 2020).
 57. Office of the United Nations High Commissioner for Human Rights, "UN Independent International Fact-Finding Mission on Myanmar Calls on UN Member States to Remain Vigilant in the Face of the Continued Threat of Genocide" (New York, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25197&LangID=E> (accessed April 15, 2020).
 58. United Nations Human Rights Council, "UN Independent International Fact-Finding Mission on Myanmar urges financial isolation of Myanmar military" (Geneva, 2019), <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24608&LangID=E> (accessed April 17, 2020).
 59. Agence France-Presse, "Aung San Suu Kyi Faces First Legal Action Over 'Existential Threat' to Rohingya", *The Telegraph*, November 14, 2019,

- <https://www.telegraph.co.uk/news/2019/11/14/aung-san-su-kyi-faces-first-legal-action-existential-threat/> (accessed February 21, 2020).
60. Mia Swart, "ICJ orders Myanmar to protect Rohingya", *Aljazeera*, January 23, 2020, <https://www.aljazeera.com/news/2020/01/icj-orders-myanmar-steps-protect-rohingya-200120121659438.html> (accessed April 23, 2020).
 61. Aljazeera, "Maldives hires Amal Clooney to Represent Rohingya at UN", February 26, 2020, <https://www.aljazeera.com/news/2020/02/maldives-hires-amal-clooney-represent-rohingya-200226103104220.html> (accessed April 23, 2020).
 62. Mohammad Nurul Islam, "Bangladesh Faces Refugee Anger Over Term 'Rohingya' Data Collection," *Reuters*, November 26, 2018, <https://www.reuters.com/article/us-myanmar-rohingya-bangladesh/bangladesh-faces-refugee-anger-over-term-rohingya-data-collection-idUSKCN1NV1EN> (accessed May 19, 2020).
 63. In September 2019, some analogous Rohingya refugee elders were interviewed. They stated Burmese agents have been trying to create a chaotic situation where the refugees feel embarrassed and lose sympathy and support of the host people and the government of Bangladesh.
 64. Arakan Rohingya National Organisation, "ARNO Welcomes the Bangladesh Government's Decision to Offer Formal Education to Rohingya Refugee Children", Press release, January 30, 2020, <https://www.rohingya.org/arno-welcomes-the-bangladesh-governments-decision-to-offer-formal-education-to-rohingya-refugee-children/> (accessed February 14, 2020).
 65. The Daily Star, "Rohingya Repatriation Failure: PM blames Myanmar" September 12, 2019, <https://www.thedailystar.net/frontpage/news/rohingya-repatriation-failure-pm-blames-myanmar-1798759> (accessed February 25, 2020).
 66. Mratt Kyaw Thu, "Rakhine Government to Sign Maungdaw Economic Zone with Mysterious Consortium" *Frontier Myanmar*, September 11, 2017, <https://frontiermyanmar.net/en/rakhine-govt-to-sign-maungdaw-economic-zone-mou-with-mysterious-consortium> (accessed January 11, 2020).
 67. Kyaw Ye Lynn, "Artillery Shells Kill 2 Rohingya Women in Myanmar," *Anadolu Agency*, January 25, 2020, <https://www.aa.com.tr/en/asia-pacific/artillery-shells-kill-2-rohingya-women-in-myanmar/1713718> (accessed May 17, 2020).

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