

Mass Atrocities against Rohingya: Ethnic Cleansing and Genocide

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Abstract

The horrific mass atrocities against Myanmar's Muslim-minority Rohingyas has stunned the whole world. The Burmese Government has carried out a campaign of ethnic cleansing and committed atrocities including mass killings, arson, extortion, harassment, torture, rape and other forms of sexual abuse. The people of Rakhine state have been subjected to denial of identity and rights. They have been rootless and victims of calculated cruelty. Decades of dehumanization and state-sponsored systematic segregation resulted in more than half a million Rohingya to flee from Myanmar to Bangladesh. The world has encountered one of the vicious examples of human rights violation and refugee exodus. This paper aims to reflect on the massive acts of violence and atrocities against the Rohingya population. Besides, this study will briefly discuss the reasons, why these actions should be considered not only as ethnic cleansing but also genocide. A ten-stage model of the processes that lead to genocide will be used to examine the atrocities against Rohingya by Myanmar which will help to understand the early warning signs of genocide. Though the international community has emphasized on the word "ethnic cleansing" to describe the crimes against Rohingya, we should by now be able to recognize the unannounced and accelerating pulse of genocide.

Key Words: Genocide, Human Rights Law, Ethnic Cleansing, Pogrom.

1. INTRODUCTION

Myanmar has ethnic diversity. This country is the home to 135 officially recognized races and a few more unrecognized ethnic and religious minority groups like the Rohingya. Burmans, who make up 68% of the population, is the majority ethnic group. Other ethnic groups are Rakhine, Kachin, Chin, Shan and so on. In 1885, Burma was colonized by the British and gained independence in 1948. The colonial era created discrimination and divisions between Burmans and other ethnic groups. The mistrust between government and ethnic groups has been in effect since colonial times. So, the effects of colonialism are still there in Myanmar. Fear of foreign control over the country is deeply implanted into their consciousness. The Government fears that the ethnic groups will create violence by destabilizing the Union of Myanmar. And so, the government considers these ethnic groups as a military problem and military begin ruling ethnic groups by force. It was claimed that the government uses tension with the Rohingya to justify its control over the country. The military argues that if it removes itself from politics, violence and instability will emerge among the Rohingya and other ethnic groups. And so, the government has an inducement to fuel conflicts with several ethnic groups (Karen, Kachin, and Shan) and then with the Rohingya to keep up the parody of mass atrocities.

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2. ROOTS OF ROHINGYA CRISIS

A widely cited study from 1799 described that the ‘Rohingya’ is a term used by the Muslims of Burman Empire which signifies ‘natives of Arakan’. Although Rohingyas claim that they are a distinct ethnic and cultural

¹ <http://www.equalrightstrust.org/ertdocumentbank/Rohingya%20Briefing%20Report.pdf> p, 4-6.

community who had their roots in Rakhine state before 1823, the use of the term 'Rohingya' is highly disputed in Myanmar as majority of Myanmar's population refers them as illegal Bengali migrants because Bangladesh and Rakhaine state contain populations who have similar culture and also crossed the border several times in Burma's pre-colonial era.

An estimated one million Rohingya live in Rakhine, formerly known as Arakan. Rakhine state is located between South Asia and Southeast Asia which makes it a 'frontier culture' of the Muslim and Buddhist communities.² According to an 1826 report, about 30 percent of the population of the Rakhine region was Muslim.³ The Rohingyas are the descendants of Arab Muslim traders who came to settle in Rakhine state as early as the seven century.⁴ Despite sharing the same territory, Rohingya and the Buddhist Rakhine people differ from each other in culture, language, and heritage. There were several religious conflicts between the Muslims and the Buddhist communities from the year of 1826 to 1948.⁵ A coup was led by General Ne Win, which instigates an oppressive military rule over the Rohingya.⁶ The autonomy of the Rakhine state was abolished in that time. Since 1962, Burma's all actions against Rohingya ensured the systematical deprivation of their political rights and the history of this discrimination is marked by a couple of destructive massacres and 1982 citizenship act.⁷ The first atrocity against Rohingya occurred in 1978 in the regime of military government General Ne Win. Estimated more than two hundred thousand Rohingyas were forced to flee to Bangladesh and ten thousand Rohingyas were killed when the Burmese military launched an

² Abid Bahar, *Burma's Missing Dots: The Emerging Face of Genocide: Essays on Chauvinistic Nationalism and Genocide in Burma; with the Popular Novel Rohingyama* (Bloomington, Indiana: Xlibris Corporation, 2010), p.23.

³ Kristof, "Myanmar's Appalling Apartheid."

⁴ Parnini, "The Crisis of the Rohingya as a Muslim Minority in Myanmar and Bilateral Relations with Bangladesh," 281.

⁵ Steinberg, *Burma/Myanmar: What Everyone Needs to Know*, 33.

⁶ 'All You Can Do is Pray': Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State," 138.

⁷ Siddiqui, *The Forgotten Rohingya: Their Struggle for Human Rights in Burma*.

operation named 'Dragon King'.⁸ Following international outcry at the brutality of the Burmese military, many Rohingya villagers could return to their territory. Then in 1982, Burma passed the Citizenship Law with an intention to establish a legal basis for the exclusion of the Rohingya population. The citizenship law states that only those 135 national groups who lived in Burma before 1823 were granted citizenship. Though Rohingyas had their root in Rakhine state far before that time, they didn't have any document to prove their residency before 1823 as the first-ever printing press arrived in British Burma in 1870's. Also, the idea of documenting one's residency was unprecedented.⁹ The second exodus of Rohingya people took place in 1991. Approximately 2,60,000 Rohingyas fled to Bangladesh as wide-spread aggression against Rohingya and forced labor demands made their life miserable.¹⁰ Following the large expulsion of Rohingya, the UN High Commissioner for Refugees (UNHCR) repatriated around 200,000 of the refugees to Burma from 1992 – 1999.¹¹ The plight of the Rohingya from 1962 to 1999 set horrific examples for their treatment in the 2000s to the present days. The acts against Rohingya from 2000 to the present day show a pattern of human rights violation. The 2012 ethnic riots at the time of the quasi-civilian government represent an expansion of atrocities followed by long-standing ethnic cleansing policies to those of genocide. More than 240 Rohingya, including children and women, were killed in the massacres that year.¹² 225,000 people ran away from Myanmar to Bangladesh. According to Refugees International, from October 2012 to July 2013 immediately following the sectarian violence, an estimated 785 Rohingya drowned at sea in an attempt to reach safety in

⁸ Parnini, "The Crisis of the Rohingya as a Muslim Minority in Myanmar and Bilateral Relations with Bangladesh," 286.

⁹ UN Commission on Human Rights, Situation of Human Rights in Myanmar. March 3, 1992. Also see Human Rights Watch, 'Burmese Refugees in Bangladesh: Still No Durable Solution,' May 1, 2000.

¹⁰ Smith, Burma: Insurgency and the Politics of Ethnicity, 422.

¹¹ Staples, Rethorising Statelessness: A Background Theory of Membership in World Politics, 142 – 3.

¹² 'All You Can Do is Pray': Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Arakan State," 87.

Myanmar's neighboring states, compared to 140 in 2011.¹³ More recently, in August 2017, the Arakan Rohingya Salvation Army(ARSA) attacked Myanmar's police posts and they killed around 30 police officials. This attack had turned the one- sided aggression against a particular ethnic group into a two-sided civil war. Such attribution of evil intent to the victims is called 'mirroring' by genocide scholars.¹⁴ United Nations sources indicate that more than 5,82,000 Rohingya have fled to Bangladesh since then.

3. THE PLIGHT OF THE ROHINGYA

The plight of the Rohingya is not a recent tragedy. Though the Rohingyas are living in their historic home, Rakhine state since the seventh century, Myanmar's government has dined their right to live. They have been subjected to brutal pogroms by the state since 1962. The government refused to recognize the new generation Rohingya population. Myanmar government required all citizens to obtain a National Registration Card in 1974 but the Rohingyas were allowed to obtain only a Foreign Card. There were no schools for Rohingya children, no job opportunities for the young Rohingya generation. They had limited opportunities in every aspect of life.¹⁵ The Myanmar government had seized Rohingya lands, causing more Rohingya to flee the country.¹⁶ From 1995 to 2010, Myanmar government reportedly forced Rohingya to relocate within the country. A 1995 U.N. report stated that the government notified Rohingya from different regions that they had to leave their villages in a week. Also, they could not take their

¹³ "Analysis: In Search of a Regional Rohingya Solution".

¹⁴ "Gregory Stanton, Why Myanmar's action should be considered as Genocide?"

¹⁵ Human Rights Watch, Burma: The Rohingya Muslims: Ending a Cycle of Exodus?, p. 29 (Sept. 1996), <http://www.hrw.org/reports/pdfs/b/burma/burma969.pdf>.

¹⁶ Irish Centre for Human Rights, Crimes Against Humanity in Western Burma: The Situation of the Rohingyas, pp.11,89(2010),http://burmaactionireland.org/images/uploads/ICHR_Rohingya_Report_2010.pdf.

property with them.¹⁷ In 2002, Human Rights Watch reported that the Myanmar government was involved in the religious persecution of Rohingya. The government issued military order to destroy all unauthorized mosques. Islamic schools were closed and used as government offices. Rohingyas were prohibited to repair or rebuild any mosque.¹⁸ Rohingyas were forced into labor by the Myanmar military and local police. In 2008, the U.N. Special Rapporteur reported allegations that Rohingya had been killed for refusal to perform forced labor.¹⁹

The government imposed strict restrictions on the freedom of movement of Rohingya as they are still considered as foreigners. Rohingya must abide by the 1940 Foreigners Act, which requires a person to have a license with his or her picture and name on it in order to move freely around the country.²⁰ Moreover, there were several restricts on marriage and childbirth. The Rohingyas were not allowed to have more than two children. One kind of birth control injection named ‘ Dibu’ was given to girls for the purpose of controlling birth rate among the Rohingyas.²¹ The two-child policy has led women to abort fetuses if they already have two children. More than 40,000 Rohingya children in western Myanmar are deprived of rights to travel, to attend school or to marry in the near future as their parents had an unauthorized marriage or exceeded the two-child limit. This child are blacklisted and refused birth registration.²²

¹⁷ U.N. Commission on Human Rights, Report on the Situation of Human Rights in Myanmar, Prepared by the Special Rapporteur, Mr. Yozo Yokota, in Accordance with Commission Resolution 1994/85, UN Doc. E/ CN.4/1995/65 (1995), para. 118.

¹⁸ Human Rights Watch, Crackdown on Burmese Muslims, p. 11 (July 2002), https://www.hrw.org/legacy/backgrounder/asia/burmese_muslims.pdf; Human Rights Watch, Burma: Rape, Forced Labor and Religious Persecution in Northern Arakan, p. 17 (1992), <http://www.hrw.org/reports/pdfs/b/burma/burma925.pdf>.

¹⁹ U.N. Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, Paulo Sérgio Pinheiro, U.N. Doc. A/HRC/7/18 (2008), para. 60.

²⁰ Myanmar Foreigners Act §§ 10, 12 (1864).

²¹ Victims Voice, Testimony of Sixty, Center for the Study of Genocide and Justice, Liberation War Museum, October, 2017.

²² Dr, Gregory H. Stanton, Genocide of Rohingya Minority, The Permanent People’s Tribunal, Kuala Lumpur, Malaysia, 18 September, 2017.

4. MASS ATROCITIES AGAINST ROHINGYA

The history of mass atrocities against Rohingya includes mass killing, rape, extortion, arson, harassment, and torture. The Rohingyas are being dehumanized for decades. Now they have been transferred from the realm of subhumans to the haunted animals, smoked out of the villages where they had been confined, driven out on the roads, shot at, tortured and raped.²³ The United Nations and other non-governmental organizations reached a conclusion that the Burmese government is carrying out a campaign of ethnic cleansing in northern Rakhine state. A report released by The Simon-Skjoldt Center for the Prevention of Genocide of the United States Holocaust Memorial Museum and Fortify Rights finds strong evidence of crimes against humanity and raises grave and growing concerns of Genocide.²⁴

Umme Hayer, a young Rohingya girl who had witnessed the mass atrocities in her village said: ‘ For last 3-4 years, the atrocities are going on by the military, the government and the local Maghs were involved in looting our property. I and my mother-in-law witnessed attacks on relatives by gunfire, slaughter, arson. We saw women being dragged out of their household and kicked to death. The attackers used to say, ‘This is not your country. This is not your village. Go somewhere else.’’²⁵

Another survivor named Mohammad Saleh who lived in Maungdaw, Rakhine state, described the brutal acts against Rohingya: ‘I saw violence

²³ Bernard- Henri Levy, *The Rohingya Alarm, Testimony of Sixty*, Center for the Study of Genocide and Justice, Liberation War Museum, October, 2017.

²⁴ *Mass Atrocities Against Rohingya*, Simon-Skjoldt Center and Fortify Rights

²⁵ *Victims Voice, Testimony of Sixty*, Center for the Study of Genocide and Justice, Liberation War Museum, October, 2017.

in the neighboring area, which is why we fled to Bangladesh. For a long time, the local mosques are locked up. We are not allowed to take more than three children. Dibu injection was given to girls for the purpose of controlling birth rate among the Rohingyas. Our children were often offered poisonous chocolates by the military. We lost our women and children. Burmese military used to rape young girls and other forms of sexual violence. Not so good looking and brown women were asked to look at the shining sun by raising the heads up. And the male members were tied up while they raped the girls. In 2012, the army started violence by targeting our religious leaders- all 'Moulovis'(Muslim elderly educated people). Then the Burmese military started slaughtering rich Rohingya Muslims and they are now attacking general people. Local Maghs assisted them to attack.' ²⁶

To describe the sexual violence against Rohingya women, Rashida Begum, a survivor from Buthidaung, Rakhine state reported, 'For women and young teenage girls, the freedom to physical mobility was curtailed in the fear of facing the wrath of the Myanmar military. Women seen in the markets were subject to rape, extortion and sexual assault by the military. Hundreds of teenage girls were held captive at gunpoint by the soldiers. Gradually, women and girls stopped stepping out of their houses. Still, the atrocities by the military did not stop; rather, they began arson attacks in our houses and continued until only ashes remained. Attacks with launchers always occurred unexpectedly and our only mode of survival was through running. There was no way out. If we stab out they will stab us, if we stay inside, they will burn the house. You can survive this only if you run. I would never go back. I would rather take poison, but still not go back.' ²⁷

Justin Trudeau, The Prime Minister of Canada, wrote in a Letter to Aung San Suu Kyi, 'It is with profound surprise, disappointment, and dismay that

²⁶ Ibid.

²⁷ Ibid.

your fellow Canadians have witnessed your continuing silence in the face of brutal oppression of Myanmar's Rohingya Muslim people. Since violence erupted on August 25, reports indicate that 415,000 refugees, 70% of women and children have fled Bangladesh to date, with additional people internally displaced. Emblematic of longstanding discrimination and gross violations of human rights, reports cite the disproportionate use of force, extrajudicial killings, and burning of villages by security forces. Landmines are allegedly being laid with systemic violations of international law, which, if established by a court of law, amount to crimes against humanity.'

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5. ETHNIC CLEANSING AND GENOCIDE

The government of Myanmar's actions against the Rohingya has received numerous debates and whether they fall into the categories of ethnic cleansing or genocide. But it can not be denied that regardless of the classification, it's clear that the Rohingyas are in a horrific situation and the way they have been treated by Myanmar's government is unjust and inhumane.

According to the UN Security Council Resolution 780, the definition of Ethnic Cleansing is; 'a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas.'

On December 9, 1948, the United Nations adopted the International Convention on the Prevention and Punishment of the Crime of Genocide. The Convention defines genocide as any of the five categories of

²⁸ Justin Trudeau, Letter To Aung San Suu Kyi, September 18, 2017.

enumerated acts committed with the intent to destroy a national, ethnical, racial, or religious group²⁹. The enumerated acts are:

- a) Killing members of the group;
- b) Causing serious bodily or mental harm to members of the group;
- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measures intended to prevent births within the group;
- e) Forcibly transferring children of the group to another group.

6. Why Myanmar's action should be considered as Genocide?

Genocide is a process that develops in ten stages that are predictable. Genocide Watch uses a ten stage model of the process that leads to genocide which is not linear. Many of them occur simultaneously. But they provide a logical model for seeing the early warning signs and understanding how to prevent genocide by countering each stage.³⁰

6.1. Classification:

Classification is the first step that leads to genocide. It divides the society into 'us' versus 'them'. The Rohingyas were classified as a non-Burmese

²⁹ Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (1944). art. II.

³⁰ Gregory H. Stanton, *Permanent People's Tribunal*, Kuala Lumpur, Malaysia, 18 September, 2017 .

ethnic minority group, with religion and culture other than Buddhism. Their citizenship was denied by The 1982 Citizenship Law.

6.2. Symbolization:

Rohingyas have their own culture- their own languages, clothing, places of worship. These distinct culture created symbolization that provides ways to identify the groups. Rohingyas were allowed to obtain an identity card which refers to them as foreigners. In 1989, previous cards were taken away and a new one issued to around 4000 Rohingyas, in a condition that they say they are 'Bengali'.

6.3. Discrimination:

Rohingyas have been discriminated against for decades. They were banned from all government jobs. There were no schools for the Rohingya population. According to UNHRC statistics, 80% Rohingyas are illiterate, lack of health care and food caused malnutrition to 65% of children. Mortality rates are 4 times higher than other parts of Myanmar.³¹ There were restrictions on freedom of movement, right to get married and having children. The Myanmar military destroyed all the places of worship, mosques and Islamic schools.

6.4. Dehumanization:

Dehumanization includes advocating Rohingyas as 'terrorists' and 'jihadists'. Myanmar's government has denied the humanity of the Rohingyas. Violence against Rohingya occurred against a backdrop of hate speech targeting Rohingya and other Muslims. Monk Ashin Wirathu, the

³¹ Dispatch 102

leader of the 969 Movement said- ‘ starve them to death, make them homeless.’

6.5. Organization:

Genocide is always organized, usually by the state, often using militias to provide deniability of state responsibility. States organize secret police to spy on, arrest, torture, and murder people suspected of opposition to political leaders. Special training is given to murderous militias and special army killing units.³² The 969 movements, Tatmadaw government army, police, monks are included in the organization. They committed murders, arson, rape, and other sexual abuses. Buddhist monks worked as spies and helped the military to commit crimes.

6.6. Polarization:

Extremists drive the groups apart. Laws may forbid intermarriage or social interaction. The polarization of Rohingya includes the creation of concentration camps. More than 100,000 Rohingya are trapped in internment camps.³³

6.7. Preparation:

Plans are made for genocidal killings. They build armies, buy weapons and train their troops and militias. They indoctrinate the populace with fear of the victim group.³⁴ Myanmar government made a long plan against the Rohingya minority. The plan included aggression, arson against Rohingya

³² Gregory H. Stanton, The Ten Stages of Genocide.

³³ A. Desmond Tutu, The Slow Genocide against the Rohingya, Ending the slow burning genocide of Rohingya by Myanmar, Refugee and Migratory Movements Research Unit(RMMRU, 2017. P. 48

³⁴ Gregory H. Stanton, The Ten Stages of Genocide

villages in Rakhine state and invasion by Tatmadaw troops with heavy weapons.

6.8. Persecution:

Victims are separated out because of their ethnic or religious identity. They are deliberately deprived of resources such as water or food in order to slowly destroy them. Children are forcibly taken from their parents. The victim group's basic human rights become systematically abused through extrajudicial killings, torture and forced displacement. Genocidal massacres begin. They are acts of genocide because they intentionally destroy part of a group.³⁵ Persecution against Rohingyas includes forcing them into ghetto-like camps, torturing them and causing serious bodily and mental harm. Many Rohingya fled from the camps, those who remained were subjected to death. Children were snatched away from their parents and thrown into the fire. Births were restricted in Rakhine state. A violation of the Convention on the Rights of the Child caused dangerous punishments to the parents.

6.9. Extermination:

When it is sponsored by the state, the armed forces often work with militias to do the killing. Already dead bodies are dismembered; rape is used as a tool of war to genetically alter and eradicate the other group. Destruction of cultural and religious property is employed to annihilate the group's existence from history.³⁶ The Myanmar government has supported the military to commit mass atrocities against the Rohingyas. Thousands of women were sexually abused and raped by the military. Cultural properties

³⁵ Ibid.

³⁶ Ibid.

like mosques were destroyed. These crimes committed by the Myanmar military, mass killing of Rohingya population signify extermination.

6.10. Denial:

It is the final stage that lasts throughout and always follows genocide. The perpetrators of genocide dig up the mass graves, burn the bodies, try to cover up the evidence and intimidate the witnesses. They deny that they committed any crimes.³⁷ This is what the Myanmar army and government has done. The military killed thousands of Rohingyas and hid the dead bodies into graves or burnt into the fire. The denial also permeates government statements, including Aung San Suu Kyi's statement, UN Commission inquiry and other neutral observers have been barred from the country.

Conclusion

What the Myanmar government and supporting militias have committed and still committing against the Rohingya is precisely Genocide. Actually, Myanmar is committing both 'ethnic cleansing' and 'genocide.' These crimes often go together but the term 'genocide' is more powerful than 'ethnic cleansing'. Ethnic cleansing is a euphemism for forcible displacement. It has not been used in the Rome Treaty of the International Criminal Court and so the term has no legal meaning in International Law. Choice of the term to be used is determined by the willingness to take proper actions to stop such cruelty. When weak terms are used to determine the crimes committed by Myanmar, it indicates lack of political will to take action to stop them. There are strong evidence to justify Myanmar's intent to destroy the Rohingya. The Rohingya is a group as contemplated by the

³⁷ Ibid.

Genocide Convention. Also, genocidal acts have been committed against them. The United Nations should adopt a resolution to establish a commission of inquiry on the human rights situation in Rakhine State, Myanmar. Previous commissions of inquiry have been established by various U.N. bodies and actors.³⁸ The Human Rights Council should adopt a resolution that mandates the commission of inquiry to conduct an urgent, comprehensive, and independent investigation of the widespread and systematic abuses committed against Rohingya. It's urgent to stop further violence and to bring justice to the Rohingya community.

³⁸ Commissions of inquiry have been established by the Security Council, the General Assembly, the Human Rights Council, its predecessor, the Commission on Human Rights, the Secretary-General, and the High Commissioner for Human Rights. U.N. Office of the High Commissioner for Human Rights, Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law, p. 2 (2015), http://www.ohchr.org/Documents/Publications/CoI_Guidance_and_Practice.pdf.

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