



## PERSPECTIVES

THE BEGIN-SADAT CENTER FOR STRATEGIC STUDIES

# Myanmar: The Dark Side of the Rohingya Muslim Minority

by Col. (res.) Dr. Raphael G. Bouchnik-Chen

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**EXECUTIVE SUMMARY:** A UNHRC report has found Myanmar's authorities responsible for "the gravest crimes under international law" against the Rohingya Muslim minority – crimes that led to a massive exodus to Bangladesh. The report concludes that the army must be investigated for genocide against the Rohingya. This blunt condemnation of the Myanmar authorities does not correspond to solid intelligence data proving terror attacks by Rohingya's ARSA militants against government assets and the killing of military and police personnel, as well as Buddhist citizens. Several conclusions of the UNHRC Mission ought to be revisited.

In her book *Weapons of Mass Migration: Forced Displacement, Coercion and Foreign Policy* (2010), Prof. Kelly M. Greenhill, a former US foreign policy consultant, argues that engineered migration is a strategy that has been used by governments and organizations as an instrument of persuasion in the international arena. In other words, manipulation of mass migration can be used as a weapon to exert pressure on governments for political ends.

The latest refugee case to have attracted international attention was the 700,000 Rohingya who recently [fled](#) Myanmar and crossed into Bangladesh. A special UN fact-finding mission assigned by the UN Human Rights Council (UNHRC) delivered its final report on September 17, 2018. "It is hard to fathom the level of brutality of Tatmadaw operations, its total disregard for civilian life," Marzuki Darusman, the head of the Mission, told the UNHRC, referring to the nation's military.

The report is a harsh indictment of Myanmar's authorities. It describes indiscriminate killing, villages burned to the ground, children assaulted, and

women gang-raped, which collectively caused an exodus of at least 700,000 people from Rakhine State since August 2017, many of them to neighboring Bangladesh. These atrocities were categorized as “the gravest crimes under international law.” Such was their extremity, the report said, that the army should be investigated for genocide against the Rohingya.

The report called for six senior military figures of the Myanmar military forces (the Tatmadaw), including Commander-in-Chief Min Aung Hlaing, to be prosecuted for genocide, crimes against humanity, and war crimes.

Based on the UNHRC report, on September 18, 2018, the International Criminal Court (ICC) launched a preliminary investigation into Myanmar's crackdown on the Rohingya Muslims.

The newly nominated UN High Commissioner for Human Rights Michelle Bachelet welcomed the ICC's decision. “This is an immensely important step towards ending impunity, and addressing the enormous suffering of the Rohingya people,” she said. “I emphasize the imperative of justice for Myanmar.” Bachelet has called for the establishment of an independent body to collect evidence of international crimes committed in Myanmar, with a view to supporting national and international trials.

Notwithstanding the gravity of the accusations against Myanmar, the decisive wording of the UNHRC report warrants attention. Furthermore, it is relevant that Myanmar did not allow the UNHRC fact-finding mission into Rakhine State and has denounced any claim of atrocities against the Rohingya minority.

In its preamble, the UNHRC report states that “the Mission deeply regrets the lack of cooperation from the Government of Myanmar, despite repeated appeals from the Human Rights Council and the Mission. The Mission requested in-country access through letters of 4 September 2017, 17 November 2017 and 29 January 2018. It sent a detailed list of questions on 27 March 2018...No response was received.” The report is thus a strict verdict on a culprit who was absent at trial.

The Committee says it took the following to be sources of first-hand information:

- Confidential interviews conducted by the Mission or its staff with victims, witnesses, victims' close family members, perpetrators, or former Myanmar officials with direct knowledge of the issues brought before the Mission, where it was assessed that the source was credible and reliable.

- Satellite imagery from reliable sources, authenticated video and photo material, and documents containing first-hand information from reliable sources.
- Publicly available admissions of relevant facts by Myanmar officials.

By relying mainly on accessible data, the committee had a relatively easy task – that is, it didn't have to verify victims' testimony or challenge graphic descriptions of atrocities attributed to the Tatmadaw. This methodology should raise questions of objectivity, especially in light of the Mission's verdict accusing the Tatmadaw of genocidal intent. The Myanmar authorities' refusal to cooperate with the mission was an act of defiance, but that fact should not have affected the conclusion of the inquiry.

The world's attention had already been raised by the Preliminary Report of the UNHRC Mission (A/HRC/39/64), released on August 28, 2018. This portion of the report is considered to be the executive summary of the final document released on September 17. The 20-page Preliminary Report (compared to the 444 pages of the final report) indicates the agenda of the international arena vis-à-vis the Myanmar government.

The report adheres fully to the Rohingya Muslim story while rejecting any contradicting evidence that could have balanced or at least raised doubts about the events in Rakhine. The Mission devotes a short paragraph to deploring "serious human rights abuses" by militant or criminal groups, first and foremost by ARSA (the Arakan Rohingya Salvation Army), known also as Harakat al-Yaqueen (HaY). It elides any need to confront the issue by contending simply that the matter "requires further investigation."

In a separate chapter, the Mission admits that "it has not been able to verify these assertions." Even when hard evidence was presented, the Mission concluded that it was unable to ascertain the authenticity of the recording or its source.

Disturbingly, the Mission deliberately chose to ignore a detailed special report prepared by Amnesty International entitled "Myanmar: New evidence reveals Rohingya armed group massacred scores in Rakhine State" (May 22, 2018). According to Amnesty,

Based on dozens of interviews conducted there and across the border in Bangladesh, as well as photographic evidence analyzed by forensic pathologists, the organization revealed how Arakan Rohingya Salvation Army (ARSA) fighters sowed fear among Hindus and other ethnic communities with these brutal attacks.

Our latest investigation on the ground sheds much-needed light on the largely under-reported human rights abuses by ARSA during northern Rakhine State's unspeakably dark recent history," said Tirana Hassan, Crisis Response Director at Amnesty International.

It's hard to ignore the sheer brutality of ARSA's actions, which have left an indelible impression on the survivors we've spoken to. Accountability for these atrocities is every bit as crucial as it is for the crimes against humanity carried out by Myanmar's security forces in northern Rakhine State.

The Amnesty report concludes, "For the full extent of the human rights abuses and crimes committed in northern Rakhine State to be uncovered, including those committed by ARSA, the Myanmar authorities must immediately allow independent investigators, including the UN Fact-Finding Mission, full and unfettered access throughout the region. Victims, survivors, and their families have the right to justice, truth, and reparation for the harm they have suffered."

The UN Mission appears to have been remarkably tolerant of ARSA's acts of violence. Its report states that the 2017 ARSA attacks against Myanmar's military and police outposts and ensuing "clearance operations" did not occur in a vacuum. They were foreseeable and planned. ARSA emerges as a Rohingya resistance organization that arose in response to the 2012 violence and increased state oppression over all aspects of life. The Mission's report downgrades the actual weight of ARSA by concluding that it "meets the requisite threshold of organization." In practice, "ARSA was able to carry out multiple coordinated attacks in a highly controlled and militarized environment, but with little military capability."

The UN Mission's apparent empathy towards ARSA is also manifested in its repeating of ARSA statements such as, "Our sole objective is to defend, salvage and protect the innocent Rohingya indigenous native ethnic community of Arakan State with our best capacities as we have the legitimate right under international law to defend ourselves in line with the principle of self-defense. In doing so, our defensive attacks have been aimed only at the Burmese terrorist government and its terrorist military regime in accordance with international norms and principles until our demands are filled." Further, the report reiterates ARSA's "main principle" that it "strictly does not allow any of our members to attack civilians, their places of worship and properties regardless of their religious and ethnic background."

The Mission's bias is highlighted in its conclusion, which asserts: "It appears, therefore, that the objectives of the ARSA attacks may not have been military,

but aimed at eliciting a response by the Tatmadaw (as in October 2016), with the broader goal of drawing renewed global attention to the Rohingya situation.” The Mission based its judgment on a statement of a senior ARSA member who said, “The main aim of the attacks was to get international attention, as we knew the response [of the Tatmadaw] would be brutal. We hoped that, if the world could see their response, they would finally understand our suffering.”

This statement by ARSA echoes a motif common to most terrorist organizations masquerading as “liberation movements,” which the UN Mission accepts at face value in an attempt to shield ARSA from any kind of terrorist labeling. Likewise, it accepts without question ARSA’s rejection of links to al-Qaeda, ISIS, Lashkar-e-Taiba, and all other transnational terrorist groups, noting that they “do not welcome the involvement of these groups in the Arakan conflict.” The Mission concludes that “the ill-equipped nature of ARSA lends credibility to those claims, and the Mission has seen no information that would suggest such links.”

This approach is problematic, not to say naïve, in view of solid intelligence deriving from Indian and Bangladeshi security sources consolidating Myanmar’s claims of covert cooperation between ARSA and jihadist groups. The “smoking gun” was interception of long-distance calls between Hafez Tohar, the chief of ARSA’s military wing, on August 23 and 24, 2017, just prior to the large-scale Rohingya militants’ multiple attacks on Myanmar’s military outposts on August 25 – attacks that triggered the crackdown that led to the mass exodus of Rohingyas from North Rakhine in Myanmar. The incriminating testimony is (*inter alia*) a call from an Iraq number initiated by someone introducing himself as “al-Amin of Daesh” in which ISIS wished ARSA the best in its jihad against Burmese colonialists, Buddhists, and Hindu fanatics.

The above data were not denied by Indian or Bangladeshi officials even though they were reported by a pro-Burmese news network (Mizzima). Furthermore, it has been reported that the Indian intelligence agencies have found tight links between ISIS and Rohingya refugees. A Delhi police spokesman was quoted in February 2017 as saying that “arrested operatives have revealed that at least 500 Rohingyas were sent to Saudi Arabia.” In addition, it was confirmed that the Bangladesh-based terror organization known as Jamaat al-Mujahideen (JMB) is deeply involved in the radicalization of Rohingya refugees in India. As of the beginning of 2017, there were around 36,000 Rohingya Muslims in India.

The UN Mission hardly mentions such a possible connection. It essentially endorses ARSA’s press release, which explicitly rejects any such links.

Its assessment is further challenged by a JSTOR research document from May 2015 entitled "Myanmar at the Crossroads: The Shadow of Jihadist Extremism," which sounded an alert that the country was in the crosshairs of religious extremist and terrorist activities while transitioning from decades of army-led isolation into a democracy. The study mentioned the harsh sectarian conflict in Myanmar along with threats posed by local insurgent groups, including the probability that these groups might attempt to link up with jihadist terrorist groups like ISIS. JSTOR highlighted the emerging dangers deriving from the intensification of the use of social media networks by jihadist extremists to expand their influence and spread their caliphate ideology.

In that reality, the Rohingya crisis could in fact be a harsh sectarian conflict in which the sovereign authority is acting with zero tolerance to restore order in northern Rakhine State. The role of Muslim terror groups, especially ARSA, as destabilizing players should not be ignored or underestimated, bearing in mind that its militants harbor behind civilians and use threats and intimidation to assure secrecy about their activities.

No doubt the Tatmadaw bear severe responsibility for atrocities, discrimination, apartheid, and ethnic cleansing of the Rohingya. But the Rohingya leadership should not escape responsibility for the horrors they have inflicted on the Buddhist population. Whether or not the latter constitutes terrorism remains open to debate, but it is no doubt influenced by jihadism, and operational involvement cannot be ignored in connection to the growing activities of ARSA. Crimes under international law have been committed by both sides.

It is therefore reasonable to wonder about the categorical conclusions and recommendations of the UNHRC Mission, with its emphasis on accusing Myanmar's military commanders of genocidal intent. The "ultimate proof" of criminality offered by the Mission is this: "[The] Tatmadaw Commander-in-Chief's statement reveal[s] that the 'clearance operations' were not a response to a concrete threat from ARSA, but to the 'unfinished job' of 'solv[ing] the long-standing Bengali problem.'"

But this is not an accurate representation of what the Commander-in-Chief, Senior-General Min Aung Hlaing, actually said. The exact citation is taken from a Facebook post of September 2017 in which he says, "The Bengali problem was a long-standing one which has become an unfinished job despite the efforts of the previous governments to solve it. The government in office is taking great care in solving the problem."

The Mission twisted the general's words. He never said the "clearance operations' were not a response to a concrete threat from ARSA, but to the 'unfinished job.'" This biased paraphrasing creates a false impression that has

already had consequences. Following the UNHRC report, several commentators suggested that the general had used Nazi terminology, hinting at a “final solution.”

Christopher Sidoti, one of the Mission’s members, has acknowledged the limitations of its work. “Like almost all circumstances of genocide, there is no smoking gun,” he said. “We do not have a copy of a direct order that says, ‘Undertake genocide tomorrow, please.’” It should be noted that neither the US nor the UN Secretary General, while condemning Myanmar for crimes against humanity, used the terms genocide or genocidal intent.

The Myanmar-Rohingya conflict is marked by severe psychological warfare on both sides, with the Rohingya – as the underdog – being the winning party. The UNHRC Mission was a formidable platform that helped that Muslim minority win public attention while condemning the Myanmar authorities. Those authorities include Aung San Suu Kyi, Myanmar’s top civilian politician and a Nobel Peace Prize laureate, who has now been accused of “contributing to the commission of atrocity crimes.”

The message behind the UNHCR report’s full-throated condemnation of the Myanmar authorities could simply be, “If you don’t cooperate with the Mission you will end up as the culprit,” no matter what the facts might be. This posture could serve the UN body in defying the US decision to quit the UNHRC – namely, the UN has a major role in the international arena no matter what the Americans do.

Such, after all, was the fate of Israel after Operation Cast Lead in the Gaza Strip. The UNHRC’s “Goldstone Committee” of January 2009, which was boycotted by Israel, falsely charged the Jewish state with committing serious war crimes and breaching humanitarian law. Goldstone’s [later renunciation of the report bearing his name](#) passed virtually unnoticed by the international community.

*Dr. Raphael G. Bouchnik-Chen is a retired colonel who served as a senior analyst in IDF Military Intelligence.*

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