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RELIGIOUS
FREEDOM
INSTITUTE

THE ROHINGYA CRISIS

The Shameful Global Response to Genocide
and the Assault on Religious Freedom

AUGUST 2018

The Religious Freedom Institute (RFI)

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Foreword



“More than 300 Rohingyas in my village were killed by the Burma army in their attack. My father, two sisters and one brother were killed. My mother was also shot but survived.”

“More than 300 Rohingyas in my village were killed...”

Those were the words I heard from a sixteen year-old girl called Khalida, as she lay paralysed in a bamboo hut in a refugee camp on the Bangladesh-Burma border. She had been shot multiple times in her leg, and could hardly lift her head, let alone sit up or walk. Her 18 year-old brother, Mohamed Rafiq, fled the village before the military attacked, and found her when he returned. Just as I was about to leave, Khalida smiled and said: “Thank you. Thank you for caring enough to come all the way from your country to visit us. Please come and see us again.”

Khalida’s story is by no means unique. Indeed, it is tragically all too common. I heard many accounts of rape, and I met Rohingyas whose eyes had been shot out and limbs blown off. People told me of others whose eyes had been gouged out, throats slit and limbs hacked off.

The persecution of the Rohingyas has been described by the United Nations High Commissioner for Human Rights as a “textbook example of ethnic cleansing.” The UN Special Rapporteur for Human Rights has said it has the “hallmarks” of genocide. These crimes against humanity have understandably sparked calls for justice and accountability. Yet while the horrific campaign against the Rohingyas by the Burma Army since 25 August 2017, and the previous offensive in October 2016, were the most severe in decades and have brought their plight to the world’s attention, their persecution is not new. It has been continuing for decades.

Nor are the Rohingyas alone. Muslims in other parts of the country, who are not Rohingyas, have been facing an increasing campaign of hatred in recent years, marked by periodic violence, discrimination, hate speech and repressive laws. Legislation to restrict inter-religious marriage and religious conversions was introduced as part of the “Protection of Race and Religion” law in 2015. Section 295 of the Penal Code, which is akin to a blasphemy law, has been used several times in recent years, most notably to jail Htin Lin Oo, a pro-democracy campaigner who, as a Buddhist, condemned the violence and hatred being spread as contrary to the teachings of Buddhism – and he was charged with insulting Buddhism.

Christians in Burma have also suffered, particularly among the ethnic nationalities such as the Kachin and Chin. Under successive military regimes Christians faced discrimination and restrictions, and now, in some parts of Burma, intolerance towards them from elements in society has arisen. In the escalating conflict in Kachin State, northern Burma, where the Church plays an influential role in local society, Christians have been targeted.

Religious freedom in Burma is under increasing pressure, which is why it is right that the U.S. State Department designates it a Country of Particular Concern. Further attention is required. The plight of the Rohingyas is the gravest example, and compels a sense of urgency, but the violations throughout the country affecting other minorities require action as well.

I warmly welcome this excellent report by the Religious Freedom Institute, which deserves to be widely read. Drawing on a range of sources, it tells a story of an unfolding ethnic cleansing, perhaps a genocide, with a clear religious as well as racial dimension. It should serve as a powerful reminder to policy-makers of the severity of this tragedy, and ensure that we do not allow this crisis to be forgotten or impunity to reign.



Benedict Rogers

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EXECUTIVE SUMMARY

Tragically, the world seems largely unaware or unconcerned about the genocide being perpetrated against the Rohingya Muslims of the Rakhine State in northwestern Burma (Myanmar).

The horrors—the mass rape, torture, killings, destruction of mosques and madrassahs, the demolition of entire villages—are much like that which ISIS Islamist extremists have visited on the Yazidis and Christians of Iraq and Syria. The world has been even slower to respond to this barbarism than they have been to the barbarism of recent years in the Middle East.

Since late August 2017, over 700,000 Rohingya have fled across the border into Cox's Bazar, Bangladesh. The total number of Rohingya refugees there has swelled to around one million people. For Bangladesh, one of the poorest countries in the world, to respond to such a challenge is a daunting task indeed. For those Rohingya who remain in Burma, many of their villages have been razed and military outposts are being constructed in their place. IDP camps within Burma resemble concentration camps.

as the late August 2017 series of attacks on military outposts, the Burmese government has responded in a manner that virtually all in the international community have viewed as wildly disproportionate. They have executed a campaign of collective punishment against the entire community. It is crystal clear that the end game is to depopulate Burma of all Rohingyas, and to do so through all means necessary, including ethnic cleansing and genocide.

Religious identity plays a major role in Burmese politics and identity and is a significant factor in the purge. Christians and other religious minorities face discrimination, restrictions, and persecution in Burma on religious, ethnic and political grounds. In 2015 the United States Commission on International Religious Freedom issued a detailed report focused on rights restrictions impacting Christians among the Kachin, Chin, and the marginalized Naga communities of Burma.¹ However, a special fury has been unleashed against the Rohingya who are unjustly viewed as part of an aggressive Islamist global threat to the Buddhists of Burma. In fact, ever



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There has been surprisingly little armed resistance by the Rohingyas to the deprivation of citizenship and the ethnic cleansing which has been inflicted on them for decades. When rebels of the Arakan Rohingya Salvation Army (ARSA) militant group, which has been implicated in atrocities of its own, have struck back against the government oppression, such

since Burma (renamed Myanmar in 1989) won its independence from Britain in 1948, the plight of the Rohingya, which was never good, has deteriorated steadily. There is no question that ethnic cleansing has been and is the policy of the Burmese authorities—both military and civilian—for many years.

In late March, Kent Hill, Executive Director of the Religious Freedom Institute (RFI) represented RFI in a multi-faith delegation coordinated by the Faith Coalition to Stop Genocide in Burma (FaithCoalition.org) which visited the massive refugee camps in Bangladesh, near the Burmese border. During the trip, Kent Hill found it heartbreaking to see the Rohingya refugees crowded into makeshift shelters on hilly terrain, knowing in a matter weeks this would be a dangerous, muddy, disease-ridden mess when the annual monsoons descend on these unfortunate victims of a decades-long attempt by the Burmese military and government to purge Burma of non-Buddhists.

The multi-faith delegation to Bangladesh included among others, Muslims (such as Imam Mohamed Magid, Rashad Hussain, Suhail Khan, Rumana Ahmed, and Imam Malik Mujahid), Buddhists (Richard Roech), Jews (former U.S. Ambassador for Religious Freedom, Rabbi David Saperstein), and Christians (Pastor Bob Roberts). Together, delegates listened in the camps to harrowing

tales of the violation of religious freedom, oppression, and brutality. A young man told the delegation how his three-year old son was ripped from his wife's arms and killed right in front of them. A group of imams recounted how their mosques had been closed and their madrassahs shut down. Women in the delegation were told of mass rape and torture by uniformed Burmese military forces.

Buddhist delegates movingly apologized on behalf of Buddhists throughout the world for the crimes against humanity which have been inflicted on the Rohingyas by the Buddhists of Burma. A global Buddhist movement has been established to help the Rohingyas and to end their oppression.

By some estimates, around 85 percent of the Rohingyas in Burma's Rakhine State have been terrorized into fleeing since 2016, and many have been subjected to crimes against humanity. Iraq and Syria have also tragically lost much of their Christian population, but at least there have been places for them to flee—and there is a chance that some may be



Kent Hill, Executive Director, Religious Freedom Institute, with Rohingya refugees in Cox's Bazar, Bangladesh, March, 2018.

able to return home. But no one seems to want to receive the Rohingya, including the massive youth population now lacking access to educational opportunities.² It is not clear how long their stay in Bangladesh will be tolerated. The global response to refugees, with more people forcibly displaced around the world than any other point in history, is a point of contention in Europe and the United States.³ Add to that the limited prospects of support from other regional countries, and these are all ominous signs of a very uncertain fate for the Rohingya now in camps in Bangladesh.

At present, there is virtually no possibility of returning in safety given the current situation in Burma. This long-term displacement seems to be precisely what the Burmese government has wanted to communicate to the Rohingyas with its intolerance and acts of terror. Despite talks with Bangladesh about repatriation, a return without some form of ensured security may be suicidal or equivalent to moving into concentration camps. There is no sign at present that Burma will accept international peacekeepers.

The inaction to the assault on the Rohingya Muslim population has allowed the military to move with impunity against the Kachin people, a predominately Christian ethnic minority group.⁴ UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee has raised the alarm about new attacks by the military in Kachin State and media reports have documented new displacement of thousands of civilians including the destruction of dozens of churches amidst increased fighting in Kachin State.

The world faces a grave challenge. Will it stand aside as it did in Rwanda and the Balkans (for far too long) when genocide and ethnic cleansing were occurring? Or will it put meaningful and effective pressure on the government of Burma and the military, to end the campaign of Burman Buddhist nationalism, one which subjugates some minorities to a second-class status and excludes others from full citizenship?

There had been hopes in recent years that the long decades of military rule might be coming to an end—that democracy had arrived. But these hopes have been dashed as the treatment of minorities, particularly the Rohingyas, has deteriorated to all-time lows.⁵ International investment in Burma has greatly increased in recent years. Will the world be willing to deprive Burma of this investment and demonstrate in tangible and painful ways that Burma's conduct is not acceptable to the world community?

Much depends on the answer to these questions, but most of all, the fate of the Rohingyas hangs in the balance. Christians, Jews, Buddhists, and Muslims, and all people of goodwill must commit themselves to effective collaboration to end the genocide and to provide for the well-being of the victims and refugees. The Rohingyas must be allowed to return to their homes with safety and security and must be taken care of—whether in the Bangladeshi refugee camps of Cox's Bazar or beyond.



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The Current Crisis in Context



“...We are trapped between a crocodile and a snake. Will someone tell us where we should go?”

The predominantly Muslim Rohingya have lived in Rakhine State for many generations, but in 1982 Ne Win’s regime introduced a new citizenship law that stripped Rohingyas of their citizenship rights and rendered them stateless.

In a 2008 interview, Rohingya refugees in Bangladesh described their plight saying: *“The Burmese say we are Bengali, go back to Bangladesh, but the Bangladeshis say we are Burmese, go back to Burma. We are trapped between a crocodile and a snake. Will someone tell us where we should go?”*

As a result of losing their citizenship rights, the Rohingyas were subjected to severe restrictions to freedom of movement, access to education, marriage, and religious freedom. However, their suffering intensified with periodic escalation of violence in June 2012 and again in October, when severe violence broke out between the predominantly Buddhist population of Rakhine and the Rohingyas, resulting in the displacement of thousands.⁶

In October 2016, the crisis escalated when a small armed Rohingya militant group known as the Arakan Rohingya Salvation Army (ARSA)

reportedly attacked Burmese police posts, precipitating a massive offensive by the Burma Army that displaced and killed thousands and was accompanied by gross violations of human rights. Some believe this was to gauge potential international response to actions against the Rohingyas, before attempting anything on a larger scale. If so, international response was lacking.

In the intervening months, the tensions in Rakhine state reached a boiling point in the early morning hours of August 25, 2017. As documented by International Crisis Group, ARSA initiated a wave of attacks targeting some 30 military and security outposts.⁷ While the attack was coordinated, it was not particularly effective in inflicting significant casualties or displacing security forces. The official death toll was fourteen members of the security forces, one government official, and 371 people the government characterized as militants. While the attacks primarily targeted Burmese security posts, some accounts emerged at the time of atrocities against the small Hindu community of Rakhine State, most notably in Kha Maung Seik where as many as 69 Hindu were executed or abducted. Additional reports emerging have

substantiated these claims and highlight the need for an independent investigation.⁸

The response by the Burmese military has been a brutal campaign of violence and horrific human rights abuses carried out against the entire Rohingya Muslim community. After the August 25, 2017 attacks, just over 700,000 Rohingya have fled Burma to Cox's Bazar and other areas in Bangladesh, joining the over 200,000 Rohingya who fled in previous years.⁹

While the military “clearance options” in Rakhine state were ostensibly in response to the August 25 ARSA attacks, there is clear evidence of intentional preparation by both military and civilian actors for the attacks that increased the vulnerability of the Rohingya community and deprived them of humanitarian aid, community protection, and removed the access of international observers.¹⁰

The atrocities committed by the Burmese military against the Rohingyas have been documented by human rights organizations, particularly in key reports by the United Nations Office of the High Commissioner on Human Rights,¹¹ Amnesty International,¹² Human Rights Watch,¹³ International Crisis Group,¹⁴ and Fortify Rights and the United States Holocaust Museum.¹⁵

United Nations Special Rapporteur for Human Rights on Myanmar Yanghee Lee said the crisis bears “the hallmarks of genocide.”¹⁶ Then U.S. Secretary of State Rex Tillerson stated “it is clear that the situation in northern Rakhine state constitutes ethnic cleansing against the Rohingya” and U.S. Ambassador at Large for International Religious Freedom Sam Brownback, described the situation as “ethnic cleansing of a religious minority.”¹⁷ Brownback said the atrocities described to him by Rohingya refugees in Bangladesh are “as bad or worse than any other I have personally seen,” including his visit to Darfur in the aftermath of the Darfur genocide.¹⁸



“Over 700,000 Rohingya have fled Burma after August 2017 attacks.”

Religion, Nationality, Identity, and Politics: *Legal Frameworks and Societal Tensions*

In Burma, religion has long been intertwined with nationality, identity, and, as a result, politics. That is true for the military and the Burman political parties, but it is also the case for many of the ethnic nationalities. To be Burman is to be Buddhist, but equally to be Chin or Kachin is to be Christian, and to be Rohingya is to be Muslim. Of course, reality is more complex than perception. The seeds of this widely shared identification of ethnicity with religion were sown during Burma's first prime minister, U Nu's premiership, when he attempted to introduce Buddhism as the State religion.¹⁹ Ne Win further fueled hatred of non-Buddhists and was believed to harbor particular hatred of Muslims and Christians, in that order.

Religious intolerance in Burma has tended, until recently, to be driven by the military, which despite a 2015 NLD victory continues to control much of Burmese Society.²⁰

However, since 2012, religious hatred, intolerance, violence and conflict have swept through Burma in an alarming way, coming—at least in part—from prejudices within wider society. In his book *Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim 'Other'*, Francis Wade shows how the manipulation of Burmese identities by Burma's ruling elite laid the foundation for mass violence against the Muslim population.

To highlight the prejudices found within Burmese society, Wade quotes a man who was once on friendly terms with his Rohingya neighbor, "I don't think he is a bad person, but even though he's not bad, his ethnicity is bad. The group is bad."²¹ U.S. Ambassador at Large for International Religious Freedom said that every individual Rohingya refugee he spoke with in Bangladesh cited their Muslim faith

as one of the chief reasons they were targeted.²²

A movement first known as '969' and now known as 'Ma Ba Tha' (the Committee for the Protection of Race and Religion), consisting of Buddhist monks and lay people and spearheaded by one of the most notorious preachers of hatred, Buddhist monk U Wirathu, has gained extraordinary public and political influence.²³

Guided by a militant Buddhist nationalist agenda, this movement has incited periodic violence against Muslims in different parts of the country, from Rakhine State to Meikhtila, from Oakkan to Mandalay and Lashio. It has led to campaigns of discrimination against Muslims in employment, business, and education, increasing difficulties for Muslims obtaining identity cards or being able to rent property, travel restrictions, the establishment of "Muslim-free" villages, and the introduction of a package of four laws—the Race and Religion Protection Laws—which severely restricted religious conversion and inter-religious marriage.

Burma Human Rights Network published an insightful report in 2017 on "Persecution of Muslims in Burma," which details examples of these practices throughout the country.²⁴ A 2016 report commissioned by the United States Commission on Religious Freedom highlighted particular challenges of the Christianity minority communities. As the introduction to the report made clear, in considering the diverse challenges of particular communities it is evident that "religious freedom violations do not occur in a vacuum, which is why Burma's government must address such abuses through the lens of national reconciliation, civilian control of the military, and constitutional reform."²⁵

Urgent Humanitarian Crisis for Refugees

Bangladesh has been the primary receiving country for Rohingya fleeing persecution since the August 25, 2017. According to an Inter Sector Coordination Group (ISCG) report,²⁶ the government of Bangladesh has biometric registrations of 1,118,426 Rohingya in Bangladesh as of June 5, 2018.²⁷ The majority of these refugees fled to Cox's Bazar District.²⁸

Bangladesh, with help from the international community, has taken significant efforts to accommodate the Rohingya refugees considering the difficulty of the circumstances and the already dense population of Bangladesh. However, the present situation of the relocated Rohingya is dire.

Cox's Bazar, which hosts the primary concentration of refugees, is in urgent need of infrastructure and humanitarian assistance.²⁹ There are strong concerns for environmental degradation, potential health risks from disease spreading through camps, shortage of food supplies, insufficient or nonexistent sanitation, and limited access to education. Each of these concerns threaten the livelihood of the Rohingyas in Bangladesh.³⁰ The monsoon season, which began in April and continues to intensify, threatens the makeshift living arrangements and other infrastructure of the camps.³¹ In a May 30, 2018 report, ISCG estimated that 200,000 people in the camps are at risk of being affected by landslides and floods.³²

In addition to Bangladesh, Malaysia and Thailand have received Rohingya refugees in the past.³³ However, according to a human rights report from Fortify Rights, Rohingya migrants who already face risks of human trafficking have been turned away or detained by both Malaysia, and Thailand.³⁴

“Over 200,000 people in the camps are at risk of being affected by landslides and floods.”



Recent Developments in Rakhine State

In a March 2018 report entitled *Remaking Rakhine State*, Amnesty International used satellite imagery and personal interviews to examine government efforts to rebuild and reshape Rakhine state, now that many Rohingya have fled to Bangladesh.

These government actions are to the detriment of the limited Rohingya community who remain in Rakhine state as well as to those who desire to one day return. The government-led construction has involved the clearing of burnt villages, confiscating abandoned homes and property, and evicting remaining Rohingya from their homes.³⁵

According to Faith Coalition to Stop Genocide in Burma (FaithCoalition.org), under Burmese law land left by fleeing Rohingya legally becomes the property of the state.³⁶ However, not all of the land seized by the government falls into this category. The land may have been burned intentionally by government forces and

other groups hoping to gain legal access to the abandoned villages, properties, and farms.

The government claims reconstruction efforts underway in Rakhine state are in anticipation of the return of Rohingya refugees. However, the construction that has taken place has been to build villages designated for non-Rohingya populations, build security force bases, and to develop infrastructure including new roads and mines to the severely underdeveloped region.³⁷ Amnesty International believes that these construction projects may also be a means to destroy potential evidence of military crimes, though the government denies such accusations.³⁸

In addition to Rohingya living in Bangladesh and at risk in Rakhine state, an estimated 120,000 Rohingya—mostly victims of 2012 violence—are confined by the government in 38 internment camps across Burma.³⁹

Potential for Forced Repatriation?

In a deal between Burma and Bangladesh, the governments agreed to begin repatriation of Rohingya refugees on January 23, 2018.⁴⁰ As of June, however, significant efforts to repatriate the Rohingya to Burma have not yet begun. On June 6, 2018, UNHCR, UNDP and the Burmese government took “a first and necessary step to establish a framework for cooperation between the UN and the Government aimed at creating conducive conditions for the voluntary, safe, dignified and sustainable repatriation of refugees from Bangladesh and for helping to create improved and resilient livelihoods for all communities living in Rakhine State.”⁴¹ However, organizations such as Refugees International have voiced concerns that the text

of this document had not yet been made available to the public.⁴² While there are poor conditions in the refugee camps in Bangladesh and many Rohingya indicate an ultimate desire to return and have a right to do so, as refugees, under international law, repatriation must be “voluntary, safe, dignified, and sustainable.”⁴³ As previous repatriation efforts have demonstrated, simply providing for return and repatriation will not address the root causes of this crisis.⁴⁴ Some international observers are concerned for the safety of those Rohingya potentially repatriated to a country where the military and government has already engaged in what many have described as ethnic cleansing.⁴⁵



Regional and International Response

On September 24, 2017, in response to the current crisis, ASEAN issued a statement expressing concern over recent developments in Burma. The statement condemned “the attacks against Myanmar security forces on 25 August 2017 and all acts of violence which resulted in loss of civilian lives, destruction of homes and displacement of large numbers of people.”⁴⁶ The statement continued to acknowledge the situation in Rakhine state was the result of “complex inter-communal issue with deep historical roots” and “welcomed the commitment by the Myanmar authorities to ensure the safety of civilians, take immediate steps to end the violence in Rakhine, restore normal socio-economic conditions, and address the refugee problem through verification process.”⁴⁷

In a largely unprecedented move for an ASEAN nation,⁴⁸ Malaysia disavowed the ASEAN statement which they claimed was “a misrepresentation of the reality of the situation,” describing the Burmese government’s response to ARSA attacks as “disproportionate”, and continued:

“We strongly urge the Government of Myanmar to end the violence, stop the destruction to lives and properties, allow immediate unimpeded access for the delivery of humanitarian aid to the Rohingyas and all affected communities, and to resolve the Rohingya refugee problem. Viable and long-term solutions to the root causes of the conflict must be found in order for the Rohingyas and the affected communities to be able to rebuild their lives. We also urge Myanmar to fulfil its commitment to immediately implement the recommendations of the final report of the Advisory Commission of the Rakhine State.”⁴⁹

China, for its part, has put forth a plan for repatriation of the Rohingya to Burma, and has emphasized the need for bilateral talks between Bangladesh and Burma to solve the ongoing crisis.⁵⁰ The United States ambassador to the United Nations, Nikki Haley, recently indirectly criticized China for proposing substantial amendments to a security council statement on Burma, which “undermined

the unity of the council demonstrated during the trip with unhelpful edits that only weakened the council’s message.”⁵¹ China has overlooked genocide in the past—as during the Rwandan genocide in 1994—for economic and political calculations. Some believe China may be doing the same in this crisis. As the international community criticizes Burma for its atrocities against the Rohingyas, China may see an opportunity to offer the support the Burmese government needs.

China has played a complex game with leaders in border region ethnic communities, assisting some ethnic militias while at other times siding with the government. In the resulting conflict economy, many Chinese mafias have made significant profits off of trade with industries dominated by the Burmese military, such as mining of Jade and other precious stones. Now with the promotion of its ambitious One Belt policies, China has made overtures to the government of Aung San Suu Kyi to develop gas pipelines and special economic zones largely owned by Chinese interests. But regardless of the direction of policy shifts, China is not known for human rights protections for its minorities. Muslim Uighur, Tibetan Buddhist, and Chinese Christians have all suffered en masse. China has not hesitated to sell arms to the Burmese military, and has avoided any public criticism of religious rights restrictions in Burma.

Moderate Buddhist voices in Burma are trying to counter voices of intolerance, nationalism, and extremism. Saddha: Buddhists for Peace is a Burmese-American organization composed of Burmese of Buddhist backgrounds throughout the world aimed at interfaith, interethnic and anti-racism efforts. The group organized an open letter denouncing violence against Rohingya Muslims and expressing sadness that “Burmese public’s widespread attitudes towards the Rohingya directly contradict the teachings of Lord Gautama Buddha.”⁵² These Buddhists have been joined by some in the global Buddhist community, such as the letter sponsored by the Buddhist Humanitarian Project.⁵³

An Act of Genocide and an Assault to Religious Freedom⁵⁴

The Burmese military and government have rebuffed accusations of human rights violations against the Rohingya. The government denied visas to the UN Fact-finding Mission on Myanmar created by a UN Human Rights Council resolution and disassociated itself with the Council. State Counselor Aung San Suu Kyi explained Burma's logic, "we do not think that the resolution is in keeping with what is actually happening on the ground."⁵⁵

However, based on information gathered from a series of missions to Bangladesh, Malaysia, and Thailand and over 600 interviews, the experts of the fact-finding mission found that "the body of information and materials we are collecting is concrete and overwhelming" and "points at human rights violations of the most serious kind, in all likelihood amounting to crimes under international law."⁵⁶ The experts of the fact-finding mission called Burmese authorities to stop dismissing accusations of serious human rights violations saying, "any denial of the seriousness of the situation in Rakhine, the reported human rights violations, and the suffering of the victims, is untenable."⁵⁷

Zeid Ra'ad al-Husseini, the United Nations High Commissioner for Human Rights has described the crisis as "a textbook example of ethnic cleansing," and would not be surprised if courts were to conclude this round of persecution includes acts of genocide.⁵⁸ Such opinions are not offered lightly

by high-ranking UN officials and thus suggest the gravity of the atrocities committed against the Rohingya.

Amnesty International believes the August 25, 2017 attacks were part of a "systematic attack against a civilian population and also constitute crimes against humanity under international law, specifically, the crime against humanity of apartheid."⁵⁹

In their report, *They Tried to Kill Us All: Atrocity Crimes against Rohingya Muslims in Rakhine State, Myanmar*, the United States Holocaust Museum and Fortify Rights said, "there is mounting evidence to suggest these acts represent a genocide of the Rohingya population."⁶⁰

In the July 2018 report *They Gave Them Long Swords: Preparations for Genocide and Crimes Against Humanity Against Rohingya Muslims in Rakhine State, Myanmar*, Fortify Rights draws from extensive interviews with more than 250 individuals including survivors of the violence, sources within the Myanmar military, members of ARSA, and others to investigate explicit steps taken in anticipation of the violence against the Rohingya. Fortify Rights researchers found "reasonable grounds" to believe that Myanmar Army, Myanmar Police Force, and non-Rohingya civilian perpetrators committed acts of genocide and crimes against humanity.⁶¹



GENOCIDE

DEFINITION AND IMPLICATIONS

According to the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide,⁶² genocide is a “crime under international law which [contracting parties] undertake to prevent and punish.”⁶³ Genocide is defined as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group,⁶⁴ as such:

1. Killing members of the group;
2. Causing serious bodily or mental harm to members of the group;
3. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
4. Imposing measures intended to prevent births within the group;
5. Forcibly transferring children of the group to another group.”⁶⁵

Whether or not states have ratified this law, the law “embodies principles that are part of general customary law.”⁶⁶

Adama Dieng, United Nations Special Adviser on the Prevention of Genocide, believes that international crimes were committed by the Burmese military. “The intent of the perpetrators was to cleanse northern Rakhine state of their existence, possibly even to destroy the Rohingya as such, which, if proven, would constitute the crime of genocide.”

The extensively documented report, *They Gave Them Long Swords: Preparations for Genocide and Crimes Against Humanity Against Rohingya Muslims in Rakhine State, Myanmar*, produced by Fortify Rights provides credible evidence of both the intentional preparation and brutal execution of the genocidal attacks and crimes against humanity against the Rohingya Muslim community.⁶⁷

In his book, *The Rohingyas: Inside Myanmar's Hidden Genocide*, Azeem Ibrahim explains, “A definition of genocide requires a clear targeting of a defined group, in a manner that can include systemic persecution and exclusion. This is the case in Myanmar today.”⁶⁸ What is astounding is that Ibrahim’s words were published a year before the recent tragic events escalated against the Rohingya. The crisis in Burma is now the fastest displacement of people since the Rwandan genocide.⁶⁹

Some experts have also spoken about genocidal aspects of the persecution of the Kachin and other minorities. Most clearly, the widespread tactic of mass rape has been also used on the Kachin people to send a profound message of rejection on the level of existential threat. Indeed, many of the Burmese military brigades associated with rape as a weapon of war have been dispatched to Kachin as well as Rohingya areas.⁷⁰

In his statement recognizing the genocide committed by ISIS against Yazidis, Christians, and Shia Muslims in Iraq and Syria, U.S. Secretary of State Rex Tillerson stated at the time, “*the protection of these groups—and others who are targets of violent extremism—remains a human-rights priority for the Trump administration.*”⁷¹ The United Nations also concluded that ISIS committed genocide against the Yazidis in Iraq and Syria.⁷² However, despite the similarities to the cases, the crisis in Burma has yet to be labeled a genocide, though UN High Commissioner on Human Rights called for an investigation suspected ‘acts of genocide’.⁷³

These violations of religious freedom and acts of genocide against the Rohingya of Burma cannot go unanswered. The international community, individual governments, and faith leaders and their congregants around the world, must not be silent in the face of such a blatant assault on religious freedom and such a violent act of genocide.



Recommendations For Action

- 1** The United Nations and all member states should unequivocally label the atrocities committed by the Burmese Government against the Rohingyas as an act of genocide and pursue appropriate actions against those responsible for these atrocities.
- 2** A coordinated multilateral effort to address the fundamental human rights and religious freedom violations should be launched with principal guidance from Ms. Christine Schraner Burgener Special Envoy of the UN Secretary-General on Myanmar, Ms. Yanghee Lee, UN Special Rapporteur on the situation of human rights in Myanmar, Mr. Ahmed Shaheed UN Special Rapporteur on freedom of religion or belief, Mr. Jan Figel, EU Special Envoy for freedom of religion or belief outside the EU, and U.S. Ambassador at Large for International Religious Freedom Sam Brownback.
- 3** An independent investigation mechanism should be allowed unfettered access into Burma's Rakhine State.⁷⁴ Those responsible for the atrocities should be held accountable through targeted measures that help punish perpetrators and secure justice for their victims. These may include sanctions, such as those the U.S. government levied in December against Burmese General Maung Maung Soe for his role in recent atrocities, as well as trials in the International Criminal Court for acts of ethnic cleansing, crimes against humanity, and genocide.⁷⁵
- 4** The international community must ensure that repatriation of Muslim Rohingya only occurs voluntarily and securely—and that there is an international presence in Rakhine State to monitor their safety and provide humanitarian assistance.
- 5** The United States Senate and House of Representatives should pass the bipartisan Burma Human Rights and Freedom Act of 2017 (S. 2060) which would implement such sanctions on the Burmese military for its acts of persecution against the Rohingya and other minorities.⁷⁶
- 6** The Burmese government should allow for open humanitarian access to Rakhine state to enable UN and other relief efforts to reach still affected communities and to stabilize the situation for any refugees who wish to return home.
- 7** The Bangladeshi government and the international community, including UN agencies and local and international NGOs, must continue providing critical humanitarian assistance to the Rohingya community and other refugees and IDPs, including education and health support and also provide increased support for the Bangladeshi host communities to prevent a rise in tensions between those communities.
- 8** Implement the recommendations of the Rakhine Advisory Committee whose final report was issued just two days before the August 2017 outbreak of violence and which calls for urgent and sustained action to address what it describes as a development, human rights, and security crisis. Parallel to this, the legal sector must develop independence from military and government control to end impunity for abuses.
- 9** Identify non-intrusive, and appropriate ways to support and strengthen Buddhist groups and leaders in Burma who are promoting religious freedom, tolerance, and justice for the Rohingya as well as other non-Buddhist minorities in the country.

10 Internally displaced people in all regions and representing all ethnicities must be provided opportunity for voluntary repatriation, and their property returned. Reconciliation must be linked to full citizenship for all individuals born on Burmese territory, regardless of religious identity.

11 The root causes of this crisis must be addressed including the longstanding issues of violations of religious freedom which created the sectarian tensions that have led to hostilities. The Burmese government must recognize and protect the fundamental rights of the Rohingya and minority communities including equal citizenship, freedom of movement, and the ability to secure meaningful work to support themselves and their families.

12 Encourage minority groups throughout Burma to form a more united coalition to defend and promote their basic human rights, including religious freedom. The Rohingyas are not alone in their grievances with the government of Burma's continued and sustained violations of human rights, and uniting with other minority groups would form a more cohesive platform to voice their grievances. Kachin and Shan communities have strong leadership structures and share many of the same concerns as the Rohingya. In general, civil society must be strengthened and public education campaigns should work to normalize pluralism and diversity. Such efforts should be appropriately supported by the international community.



Endnotes

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- 20 | The 2008 Constitution gives the military direct control over three key government ministries: Home Affairs, Border Affairs, and Defense. The military reserves 25 percent of the seats in Parliament for the military, where a 75 percent majority is required to change the constitution. Some argue that “the Myanmar military remains unreformed”, and even if the NLD had the political will to support the Rohingya population, it cannot fully implement reform without the cooperation of the military controlled parts of the government. However, even without the power to make widespread changes, the NLD has been criticized for failing to act to the “full extent of its capacity to protect civilians at risk of mass atrocities,” including those faced by the Muslim Rohingya. See Fortify Rights and United States Holocaust Memorial Museum: Simon-Skjoldt Center for the Prevention of Genocide, “THEY TRIED TO KILL US ALL” Atrocity Crimes against Rohingya Muslims in Rakhine State, Myanmar (Washington, D.C.: Fortify Rights and United States Holocaust Museum, 2017).
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62 | The UN Convention on the Prevention and Punishment of the Crime of Genocide is not limited to the act of genocide, but also the intent or aid to committing genocide as punishable crimes under law: (a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide, as punishable acts. See General Assembly Resolution 260 A (III), Convention on the Prevention and Punishment of The Crime of Genocide, A/Res/260 (12 January 1951), Article III, <http://www.ohchr.org/en/professionalinterest/pages/crimeofgenocide.aspx>.

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71 | U.S. Department of State Bureau of Democracy, Human Rights and Labor, "2016 Report on International Religious Freedom," U.S. Department of State. August 15, 2017, <https://www.state.gov/j/drl/rls/irf/2016/frontmatter/268612.htm>.

72 | United Nations News, "They came to destroy": ISIS Crimes Against the Yazidis (Geneva: United Nations Human Rights Office of the High Commissioner, 2016). http://www.ohchr.org/documents/hrbodies/hrcouncil/coisyrria/a_hrc_32_crp2_en.pdf.

73 | Adama Dieng, "Note to Correspondents: Statement by Adama Dieng, United Nations Special Adviser on the Prevention of Genocide, on his visit to Bangladesh to assess the situation of Rohingya refugees from Myanmar," United Nations Secretary General. March 12, 2018, <https://www.un.org/sg/en/content/sg/note-correspondents/2018-03-12/note-correspondents-statement-adama-dieng-united-nations>.

74 | As has already been mentioned in this report, the UN Fact-Finding Mission on Myanmar was denied access to the Rakhine State. The Burmese government recently announced it would launch an "independent commission of inquiry" into the aftermath of August 2017 ARSA attacks. Human Rights Watch believes this government inquiry "is not merely inadequate, but an attempt to delay and deflect real justice". See Param-Preet Singh, "Myanmar's Proposed Rakhine Commission Latest Sham," Human Rights Watch. June 3, 2018, <https://www.hrw.org/news/2018/06/03/myanmars-proposed-rakhine-commission-latest-sham>.

75 | Among other individuals and groups, Fortify Rights, Amnesty International, Human Rights Watch and the Global Center for Responsibility to Protect urged the UN Security Council to refer Myanmar to the ICC after its campaign against the Rohingya. Paul Eckert, "Rights Groups Want Myanmar Referred to International Criminal Court for Rohingya Atrocities," Radio Free Asia. May 9, 2018, <https://www.rfa.org/english/news/myanmar/ngos-uns-05082018173511.html>

76 | H.R. 4223 (Burma Unified through Rigorous Military Accountability Act of 2017 or the Burma Act of 2017) was introduced by Representative Steve Chabot (R-Ohio), and Representative Eliot L. Engel (D-N.Y.) on November 2, 2017. The bill would promote human rights in Burma. The bill would require the U.S. Secretary of State to "submit a report on allegations of ethnic cleansing, crimes against humanity, and genocide, and on potential transitional justice mechanisms in Burma." See U.S. Congress. House. Burma Unified through Rigorous Military Accountability Act of 2017 or the Burma Act of 2017. HR 4223, 115th Cong., Introduced to the House November 2, 2017, <https://www.congress.gov/bill/115th-congress/house-bill/4223/text>.



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