

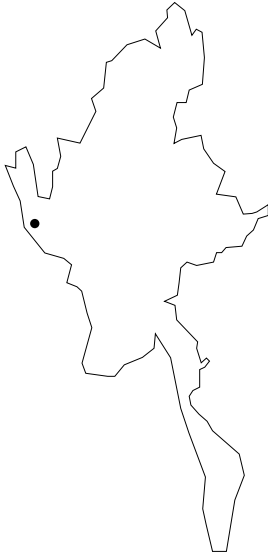
CASE 13.

Ethnic cleansing:

The Rohingya's expulsion
from Rakhine State
(Myanmar, 2017)

COUNTRY

Myanmar

**PERPETRATOR**

The Myanmar Armed Forces ('Tatmadaw')

ACT

carried out large-scale violence against Rohingya, including torture, executions and sexual violence

OBJECTIVES*

- to terrorise Rohingya civilians and compel their flight from Myanmar

** As far as we have been able to discern; the list may not be exhaustive in this regard*

CONSEQUENCES

The death of many civilians (especially men) through direct violence

Psychological trauma and (potentially) long-term injury of rape victims

- ↳ Leading to the social stigmatisation of children born of rape, and to health problems and loss of life through illegal abortions

The destruction of homes, schools and mosques

Mass refugee movements

- ↳ causing further loss of life at sea
- ↳ causing long-term displacement and associated risks (e.g. reduced access to education, income and health care)
 - ↳ leading to negative coping strategies (e.g. prostitution, crime, child marriages)
- ↳ contributing to escalating tensions between host nation populations and refugees (e.g. arguments over resources, hate speech)

Home to lush green forests, a beautiful coastline along the Bay of Bengal and the Andaman Sea, and centuries-old Buddhist stupas and temples, Myanmar has had a complex and troubled past. A former British colony, it became self-governing in 1937. In recent years, the country was long considered a pariah state while under the rule of a military junta between 1962 and 2011. A process of gradual liberalisation and democratisation began in 2010, leading to free elections in 2015.¹ These were won by Aung San Suu Kyi's National League for Democracy (NLD), who was awarded the Nobel Peace Prize in 1991 for her nonviolent efforts to bring democracy back to Myanmar. However, Myanmar's (sub)national politics remain dominated by ethnic identity. The country is organised into seven regions in which ethnic Bamar – Myanmar's ruling elite – are the majority, and seven states, each of which is associated with the ethnic group considered to be a majority in that area. Particularly in the states, armed ethnic groups have resisted the government of Myanmar for decades (Burke, 2016). In western Myanmar, sharing a border with Bangladesh, lies Rakhine State. Once a thriving trading hub and a major producer of rice in Asia, it is now one of the poorest states in the country with a poverty rate of 78 per cent, compared to the national average of 38 per cent (Burke, 2016). While the majority of the population, like most of the country, is Buddhist, over 30 per cent of its inhabitants are Muslim.

13.1 Case:

'There is no Rohingya left in Tula Toli'²

On the clear humid morning of 30 August 2017, residents of the Tula Toli village in Rakhine State, set in a lush green hilly area surrounded by mountain rivers, saw Myanmar military helicopters landing in their village. The village was home to over 4,360 Rohingya Muslims who were primarily rice and chilli pepper farmers, and an estimated 435 Rakhine Buddhists. The Rohingya lived down by the water's edge; Rakhine mostly on higher ground. They often worked together, farming and fishing. But that morning, hundreds of Myanmar soldiers in uniform, along with ethnic Rakhine villagers armed with machetes and wooden sticks, attacked the Muslims in the village. They gathered several hundred unarmed Rohingya on the sandy banks of the river, which surrounded Tula Toli on three sides. As the soldiers approached, some fired at the crowd, others towards people trying to flee. While some Rohingya managed to escape, swimming across the fast-moving river or dashing to the surrounding hills, many terrified villagers could not run away or swim. Families with young children had no chance to escape (Bouckaert, 2017). A survivor recounts how,

[The military] surrounded us suddenly and we could not escape because of the river. The tide was high [...] Many were shot, scored for hit and they fell on their face. Those lying on the ground were picked up, chopped and later were thrown into the river. (Wright, 2017)

The survivors, now in refugee camps in Cox's Bazar in Bangladesh, recall how the soldiers separated the women and children from the men, confining women to the shallow waters of the river bank, while systematically murdering men over the course of several hours.

On the hill, detained in a military camp, a former soldier and Buddhist who had become a Muslim

after falling in love with a Rohingya woman, Nazmul Islam, said that while he could not see anything at first, he knew what was going on. He could hear the sounds of bullets and crying, and soon he saw fire and smoke. At one point, a helicopter landed nearby with some senior officers. 'They gave bullets and guns. They ordered the military not to throw any bodies into the water but to bury or burn them', he says. The task was delegated to local Rakhine Buddhists. 'If anyone disagreed, [the soldiers] would shoot. I heard a corporal saying, [...] "We have the order to kill everyone, and will kill everyone who disagrees."' (McPherson, 2018). According to Petam Ali, another survivor,

The soldiers used rocket-propelled grenades, and they set fire to the houses with matches. Once they had gone past, I went back. All the houses were burned. On the road, I saw a dead man I recognised, called Abu Shama. He had been shot in the chest. He was 85. (Holmes, 2017)

The soldiers and Rakhine Buddhist villagers dug several deep pits on the river beach in which they dumped the men's bodies and set them on fire. In the late afternoon, when they were done killing men and burning houses, soldiers commanded locals to bring them chicken curry. Nazmul Islam watched as local Buddhists set about preparing food for the soldiers, who raped and massacred scores of Rohingya Muslims from Tula Toli (McPherson, 2018).

The soldiers then turned to the women and children. They killed some of the children at the beach, tossing young children into the river. A 20-year-old Rohingya woman, Hassina Begum, tried hiding her one-year-old daughter, Sohaifa, under her shawl, but a soldier noticed and tore the infant from her, throwing the little girl in a fire (Bouckaert, 2017). Soldiers would drag women into nearby huts where they ripped the

clothes off of the women to sexually assault and rape them. The survivors all described the same methods of killing: maiming children with swords and knives, burning people alive, mowing crowds down with machine guns, and even using rocket launchers (Rahman, 2018). 'The Burmese army's atrocities at Tula Toli were not just brutal, they were systematic,' said Brad Adams, Asia Director at Human Rights Watch. 'Soldiers carried out killings and rapes of hundreds of Rohingya with a cruel efficiency that could only come with advance planning' (Human Rights Watch [HRW], 2017).

Shawfika (24) recalls,

they pushed us inside. We were five women and six soldiers. They took off our clothes [...] and they raped all of us. Then they beat us, and when we were beaten down, they shot us. The shot missed me, and I pretended to be dead, and then I passed out. Then they left and put the house on fire. I woke up and realized I was in a pool of sticky blood. I tried to wake the others up but they didn't move. Then I [...] escaped [...] all the houses in the area were on fire. I could hear women screaming from some of the other houses. They could not escape from the fires. (Bouckaert, 2017, p. 2)

Tula Toli was not the only Rohingya village to be attacked. On 25 August 2017, the armed group Arakan Rohingya Salvation Army (ARSA) carried out attacks on approximately 30 Myanmar security force outposts in northern Rakhine State (Amnesty International, 2018). The government reports that the attackers, equipped with hand-held explosive devices, machetes and a few small arms, killed ten police officers, a soldier and an immigration official. In response, the Myanmar military – also known as the Tatmadaw – began conducting what it called 'clearance operations' across northern Rakhine,

attacking numerous Rohingya villages in ways similar to the attack on Tula Toli (International Crisis Group [ICG], 2017).

However, reports reveal that Tatmadaw soldiers had increased their presence in and around Tula Toli nearly a year before the clearance operations. In May 2017, the military imposed new restrictions in Rakhine State, blocking Rohingya from visiting non-Rohingya areas, and began a brutal intimidation campaign, which included extortion, rape and killing. Months later, on 16 August 2017, township authorities called a meeting of residents to announce an upcoming distribution of national verification cards, supposedly intended to suss out 'good Rohingya' from ARSA members. On 18 August, the Tula Toli village chairman, a Buddhist named Aung Ko Sein, convened another meeting. 'None of you should move,' Aung Ko Sein said, according to a Rohingya survivor and former member of the village administration, Sultan Ahmed. 'If the army comes, it is my responsibility. I will save you.' However, 'he is the one who phones the army to surround us and kill us,' Ahmed alleged. Several villagers confirmed this to Bangladeshi-British documentary maker Shafiur Rahman: The attack was planned even before the ARSA attack, and the village chairman was in on the plot (Rahman, 2018).

13.2 Victims: Rendered stateless and vulnerable

Population: The horrors of Tula Toli recall the very worst massacres in past decades elsewhere in the world. Establishing the precise death toll at Tula Toli is difficult. In an apparent effort to destroy evidence of the killings, soldiers and Rakhine villagers dug pits in which witnesses say they burned the bodies, and many of the women and children died while locked in village houses that were burned to the ground (Bouckaert,

2017). Moreover, the Myanmar government is not allowing any journalists or humanitarian organisations access to Rakhine State, further complicating fact-finding. Tula Toli death toll estimates vary from 1,179 to 1,700 people (McPherson, 2018; Mujahid, 2018). But it does not end there. Surveys conducted by Médecins Sans Frontières (MSF) in refugee camps in Bangladesh estimate that at least 9,000 Rohingya died in Rakhine State between 25 August and 24 September 2017, out of which 6,700 deaths were directly caused by violence. Conservative estimates put the number of children below the age of 5 killed at 730. Gunshots were the cause of death in 69 per cent of violence-related deaths, followed by being burned to death in their houses (9 per cent), and beaten to death (5 per cent). Among children below the age of 5 years, more than 59 per cent killed during that period were reportedly shot, 15 per cent burned to death in their home, 7 per cent was beaten to death, and 2 per cent died due to landmine blasts (Médecins Sans Frontières, 2017). By January 2018, the number of victims had grown to 25,000; research puts the estimate of women who were raped or sexually assaulted in Rakhine State during the clearance operations at 19,000 (Habib et al., 2018).³

Satellite imagery and first-hand accounts corroborate widespread, systematic, deliberate and targeted destruction, mainly by fire, of Rohingya-populated areas. Satellite imagery reviewed by Human Rights Watch confirms that the Rohingya villages of Tula Toli and Dual Toli—with a total of 746 buildings—were completely destroyed by fire, while the neighbouring non-Rohingya villages remain intact. This pattern is repeated in other locations. At least 392 villages (40 per cent of all settlements in northern Rakhine) were partially or fully destroyed, encompassing at least 37,700 individual structures. Approximately 80 per cent were burned in the initial 3 weeks of the

operations, a significant portion after the government's official end date of the clearance operations. Most destroyed structures were homes, but schools, marketplaces and mosques were also burned. More than 70 per cent of the villages destroyed were in Maungdaw, where the majority of Rohingya lived. It is clear that Rohingya-populated areas were specifically targeted, with adjacent or nearby Rakhine settlements left untouched (UN Human Rights Council [UNHRC], 2018).

Following a UN-commissioned independent international fact-finding mission in Myanmar in August 2018, the UN has described the 2017 violence in Rakhine State as ethnic cleansing and possibly genocide. Thousands of people have been killed, women and children raped, villages razed, and the violence has forced over 700,000 people to flee over the border to Bangladesh (UN News, 2018; Stoakes & Ellis-Petersen, 2019).

Refugees: Rohingya refugees have fled to Bangladesh for decades. Large-scale ethnically motivated attacks against the Rohingya have occurred repeatedly since Myanmar's independence, causing major refugee flows in the 1990s, 2012 and 2016. Attacks in 2012 and 2016 were some of the most deadly in more than twenty years, and can now be seen as precursors to the even more violent and organised attacks occurring from 2017 onwards (Bouckaert, 2017). By April 2019, the total number of registered Rohingya refugees in Cox's Bazar, Bangladesh had swelled to 911,359, according to the World Health Organisation (World Health Organisation, 2019), while other human rights groups estimate this number to be 1.2 million (Ganguly & Adams, 2019). More Rohingya live as refugees today than remain in Myanmar. The government of Bangladesh and humanitarian organisations are struggling to provide for the refugees' needs, while Myanmar refuses to take the steps necessary to ensure

the safe and voluntary return of the Rohingya to their homes in Rakhine State.

In the meantime, the situation for the Rohingya in Bangladesh is dire. Crammed into crowded camps, refugees increasingly suffer from crime and violent disputes. They are not allowed to move around the country freely, and their access to employment, education, and other social services is heavily restricted. Militants and gangs increasingly operate with impunity in the camps, consolidating control to the detriment of non-violent political leaders. There is an ongoing and often violent struggle for de facto political control over the camps and access to monetary gains – legal and illegal – from the camp economy. From dusk onwards, camp security is in the hands of untrained and unarmed night watchmen appointed from among the refugees. Overstretched Bangladeshi police are focused on perimeter security and protection of local Bangladeshi communities, and remain mostly outside the camps at night (Ganguly & Adams, 2019).

Women and girls: Women and girls account for more than half of the population in Cox's Bazar, and one in six families is headed by a single mother (Sang, 2018). For many women, their distress did not end when they reached Bangladesh. Between May and July 2018, there was a spike in child birth which coincided with rapes from late August to September the year before; the most intense period of violence against the Rohingya. These babies tend to be treated differently. If an unusually pale child is born, the mother must endure whispers that its father is from Myanmar's Bamar ethnic majority. Traffickers have moved in, spreading the word that they can relieve women of unwanted new-borns. Some women have resorted to potions or back-room abortions, which can result in septic shock, desperate to get rid of unwanted pregnancies (Beech, 2018). Half of the Rohingya

treated for rape in the refugee camp clinics run by MSF were eighteen or younger. Several had not even reached the age of ten. Of well over 800 testimonies gathered, one in particular highlighted the extent of the abuse: 'I was lucky, I was only raped by three men,' the survivor is quoted as saying (UN News, 2018).

Everyone in Rohingya refugee camps in Bangladesh knows of the rapes and how the Myanmar military has, for decades, used sexual violence as a weapon of war, particularly against ethnic groups that are not from the nation's Bamar Buddhist majority. They know that it is not the fault of the women and girls who were often gang raped at gunpoint. Nevertheless, in traditional Rohingya Muslim society, rape brings shame to households. Any resulting pregnancies are considered as adding to the disgrace of families (Beech, 2018).

Children and youth: Almost half of the 540,000 refugee children under the age of 12 in Bangladesh are missing out completely on an education, while the remainder are only able to access very limited schooling. Just a handful of teenagers are able to access any form of education or training (UN News, 2019). The government of Bangladesh has banned formal education for refugee children, and has expelled scores of Rohingya from schools in southeast Bangladesh since late January 2019. Without formal education, Rohingya children have no official recognition of their education and no opportunity to apply to universities (HRW, 2019a). Such lack of security and hope creates major risks: Without education, opportunities for employment are scarce, and children and young people can easily fall prey to recruitment by insurgent groups (ICG, 2019).

Journalists: Brutalities are not limited to the Rohingya. In December 2017 and January 2018, Associated Press and Reuters journalists

reported evidence of mass graves in Rakhine State. Two of them were subsequently tried and jailed under the Official Secrets Act, amid widespread international condemnation (McPherson, 2018). They were finally released in May 2019, after spending over 500 days in jail. According to Dan Chugg, the British ambassador to Myanmar, 'These journalists were convicted in a case which did not follow due process and ignored the concept of innocent until proven guilty' (Ellis-Petersen, 2019a). In April 2019, Myanmar's military sued the editor of The Irrawaddy for criminal defamation, claiming that the news outlet's reporting on recent clashes in Rakhine State was 'unfair' and defamed the Myanmar army. These are just a few examples of the use of criminal laws against journalists, with at least 47 reporters facing charges since the government led by Suu Kyi's NLD took power (Lakhdar, 2019).

13.3 Perpetrators: **A carefully orchestrated attack**

The 'clearance operations' in Rakhine State were led by the Tatmadaw and supported by other security forces, mainly the Myanmar Police and Border Guard Police. Almost all instances of sexual violence are attributable to the Tatmadaw. In some villages, Rakhine men participated in the operations, mostly looting and burning, but also killing and injuring Rohingya, as seen in the case of Tula Toli. The recurrent and organised involvement of civilian groups in the operations, and the consistent way in which they were equipped, tasked and executed their roles across different townships, demonstrate orchestration by the Tatmadaw, as per the report of the UN fact-finding mission (UNHRC, 2018).

Even though the operations were conducted over a broad geographic area, they were strikingly similar. Tatmadaw soldiers would

attack a village in the early hours, frequently joined by other security forces, often by Rakhine men and sometimes men from other ethnic minorities. The operations were designed to instil immediate terror, with people woken by intense rapid weapon fire, explosions or the shouts and screams of villagers. Structures were set ablaze, and Tatmadaw soldiers fired their guns indiscriminately into houses and fields, and at villagers. The nature, scale and organisation of the operations suggest a level of preplanning and design by the Tatmadaw leadership that was consistent with the vision of the Commander-in-Chief, Senior General Min Aung Hlaing, who stated in a Facebook post on 2 September 2018, at the height of the operations, that ‘the Bengali problem was a longstanding 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’ (UNHRC, 2018, p. 8).⁴

The UN fact-finding mission also found that this was not the first time that Rakhine State faced a wave of violence to which the authorities appeared at least an abettor. During intercommunal clashes of a distinctly anti-Muslim nature in June and October 2012, the Myanmar security forces either actively participated or were at least complicit, often failing to intervene to stop the violence. They injured, killed and tortured Rohingya and destroyed their properties. Witnesses from Sittwe and Kyaukpyu described cases of security forces preventing Rohingya or Kaman from extinguishing houses set on fire by Rakhine, including by gunfire.⁵ Witnesses from Maungdaw described security forces shooting indiscriminately at Rohingya and conducting mass arbitrary arrests. Large groups were transferred to Buthidaung prison, where they faced inhumane conditions and torture. Prisoners were beaten by prison guards and fellow Rakhine detainees, sometimes fatally (UNHRC, 2018).

The UN fact-finding mission has called for the prosecution of top Myanmar generals for crimes against humanity and genocide over the violence in Rakhine State. Ms. Coomaraswamy, a former UN Special Representative for children and armed conflict who took part in the fact-finding mission of early 2017, said she was shocked by what she found:

[T]he scale, brutality, and systematic nature of rape and violence indicate that they are part of a deliberate strategy to intimidate, terrorize, or punish the civilian population. They're used as a tactic of war that we found include rape, gang rape, sexual slavery, forced nudity and mutilations. (UN News, 2018)

In the new digital age, social media outlets, especially Facebook, have been used with massive influence. Forces loyal to Myanmar authorities have used accounts and pages to promote anti-Rohingya sentiment (Fink, 2018). In 2018 and 2019, Facebook announced it had dismantled sweeping ‘Coordinated Inauthentic Behaviour’ campaigns directly traceable to the Myanmar military. These pages appeared independent, but occasionally would promote anti-Rohingya sentiment along military lines. The banned accounts (both overt and covert) had a massive outreach: They were followed by almost 12 million, or about two-thirds of all Facebook users in Myanmar – a country of some 51 million. But it was not just the military: ‘Aung San Suu Kyi’s State Counsellor Information Committee’s [Facebook] page was full of hysterical posts about terrorists and implying on a daily basis that the [aid agencies were] assisting [Rohingya rebels]’, according to Burma Campaign UK. The Facebook page, for instance, posted material accusing Rohingya women of claiming ‘fake rape’ (Long, 2019).

While the overwhelming majority of violations have been perpetrated by the Myanmar military,

the ARSA has also committed abuses in Rakhine State, including abductions and arbitrary deprivation of liberty. It was a response to coordinated attacks by the ARSA on Myanmar military posts on 25 August 2017 that – according to official statements – led to widespread massacres of the Rohingya. The insurgent group launched its first operation in October 2016, when it conducted a deadly, coordinated attack on three border police bases in northern Rakhine State. A months-long, heavy-handed military response followed (ICG, 2017). The ARSA is led by a committee of Rohingya émigrés in Saudi Arabia, and is commanded on the ground by Rohingya with international training and experience in modern guerrilla war tactics. While the Myanmar government claims the ARSA is a terrorist organisation with a jihadist agenda, the group is largely considered to have political rather than religious motives, with the original objective being to advance Rohingya rights and autonomy within Myanmar (ICG, 2016). While it benefits from the legitimacy provided by several local and international fatwas (religious judicial opinions) in support of its cause, the group evokes mixed feelings among many Muslims in northern Rakhine State (ICG, 2016).

13.4 Significance: **Impunity at the national and international level**

Institutionalised discrimination: The events described above are part of a decades-long discriminatory policy against minority groups in Myanmar. People outside the 135 recognised ethnic groups in Myanmar are regarded as immigrants, enjoy only limited political status in the country, and commonly attain only partial citizenship status. In particular, many people of South Asian descent, and Muslims from all backgrounds, have recently become widely perceived as a threat to the Myanmar

nation, not only by hardliners but also among the general public, Buddhist monks, and politicians (Burke, 2016). Ethnic Rohingya, a largely Muslim minority, have faced decades of discrimination and violence. Most have been denied Myanmar citizenship for generations, an injustice enshrined in Myanmar's 1982 Citizenship Law. The government of Myanmar denies the indigenous status of most Rohingya, contending that they are migrants from Bangladesh, even though many Rohingya families have lived in Myanmar for generations (Bouckaert, 2017). Bangladesh, in turn, insists the Rohingya are from Myanmar, rendering them effectively stateless (Wright, 2017).

The UN fact-finding mission also found that the travel of Rohingya between villages, townships and outside Rakhine State has long been restricted on the basis of a discriminatory travel authorisation system. This has had serious consequences for economic, social and cultural rights, including the rights to food, health and education. The degree of malnutrition witnessed in northern Rakhine State has been alarming. Other discriminatory restrictions include procedures for marriage authorisation, restrictions on the number of children, and the denial of equal access to birth registration for Rohingya children. For decades, security forces have subjected Rohingya to widespread theft and extortion. Arbitrary arrest, forced labour, ill-treatment and sexual violence have been prevalent (UNHRC, 2018).

Protracted refugee situation: In September 2018, one year into the crisis, Prime Minister Sheikh Hasina warned that Bangladesh could not afford to permanently absorb the refugees. In March 2019, Bangladesh's foreign secretary told the Security Council that the country 'could no longer [...] accommodate more people from Myanmar'. The government had initially expected that its shelter of Rohingya would

be short-term, thinking that the threat of sanctions and international prosecution would persuade the Myanmar authorities to allow Rohingya to return to their homes in Rakhine State (Ganguly & Adams, 2019). Initial attempts in 2018 to begin a repatriation process failed spectacularly after Myanmar failed to provide assurances to the refugees that they would be safe from violence, be allowed to return to their original homes, have freedom of movement, and be given a pathway to citizenship in Myanmar. As a result, the thousands of Rohingya listed for return refused, and many went into hiding (Ellis-Petersen, 2019b).

The government of Bangladesh again announced in April 2020 that it would refuse entry to more Rohingya refugees as reports of inhumane pushbacks of boats by countries in the region began to surface. Fishing boats and trawlers carrying Rohingya refugees are being turned away by Malaysia, Indonesia, Thailand and Bangladesh, with overcrowded vessels carrying starving refugees for months (HRW, 2020). Furthermore, the coronavirus pandemic has aggravated tensions between Rohingya refugees and local communities in Bangladesh, leading to increased distrust, stigmatisation, racism and hate speech being directed towards the refugees who are being accused of spreading the virus. Given that refugee camps are densely populated, the incidence of infections is higher among the Rohingya. Non-governmental organisations are also routinely accused of hiding information about the number of infections, despite there being little evidence of Rohingya refugees spreading the virus outside the camps. Finally, distrust is also aimed at aid groups perceived to be favouring the Rohingya at the expense of local communities who are also struggling with poverty (Anas, 2020). By late 2020, the Bangladeshi government has moreover started relocating Rohingya from the refugee camps to the island of Bhashan Char, prone to cyclones

and flooding, amid domestic pressure to resolve the 'Rohingya issue' but apparently against the will of Rohingya themselves who are forced to live in dismal conditions (Al Jazeera, 2020).

National accountability: The UN-commissioned independent international fact-finding mission on Myanmar in August 2018 described the 2017 events in Rakhine State as a 'textbook example of ethnic cleansing'. Speaking to journalists in Geneva, the investigators underlined the horrific and organised nature of the brutality meted out on civilians in Myanmar's Rakhine State. 'The fact-finding mission has concluded, on reasonable grounds, that the patterns of gross human rights violations and serious violations of international humanitarian law that it found, amount to the gravest crimes under international law,' one of the investigators said. 'These have principally been committed by the military', he added. 'The mission has concluded that criminal investigation and prosecution is warranted, focusing on the top Tatmadaw generals, in relation to the three categories of crimes under international law: genocide, crimes against humanity and war crimes' (UN News, 2018).

Nonetheless, those responsible are not brought to account. In September 2019, in an updated report to the UN Human Rights Council, the mission concluded that, 'Myanmar is failing in its obligation to prevent genocide, to investigate genocide and to enact effective legislation criminalizing and punishing genocide' (UNHRC, 2019, p. 7). While the Myanmar government tried and sentenced soldiers involved in the Inn Din village killings in April 2018 for ten years imprisonment, they were already released in November the same year. They are the only people to have been convicted for the crackdown on Rohingya. 'There is a persistent culture of impunity', said Laura Haigh, researcher for Amnesty International in Myanmar. She added:

It's not just a case of a few bad eggs. This is very much a systematic, institutionalised problem with the Myanmar military that's not going to go away by sanctioning a few soldiers. This is not a country that's committed to accountability in any way, shape or form. (Mayberry, 2019)

International accountability: In April 2018, the International Criminal Court (ICC) Chief Prosecutor Fatou Bensouda asked the court for a ruling on whether the court could have jurisdiction over deportations of Rohingya people from Myanmar to Bangladesh, a possible crime against humanity. Myanmar, which is not a member of the court, has objected (Baldwin, 2018). In November 2019, the Court granted the prosecutor authorisation to open an investigation into crimes against humanity, especially the displacement of an estimated 740,000 Rohingya to Bangladesh. The Court also ruled that the prosecutor can investigate other crimes, including future crimes, if they are within the ICC's jurisdiction and are sufficiently linked to the situation described in the prosecutor's request – which focused on crimes committed during two waves of violence, in 2016 and 2017 in Rakhine State – since Bangladesh became an ICC member in June 2010 (HRW, 2019b).

China and Russia have thus far blocked UN Security Council action to hold the Myanmar military accountable for the atrocities against the Rohingya, while human rights groups believe that the US and other Security Council members are not doing enough to secure justice for those in need (Ganguly & Adams, 2019). The US, Canada and EU have imposed sanctions on some members of the Myanmar military responsible for the 2017 atrocities. The EU is considering a formal review of Myanmar's access to the EU market under its Everything But Arms programme, which gives tariff-free access in exchange for commitments to uphold

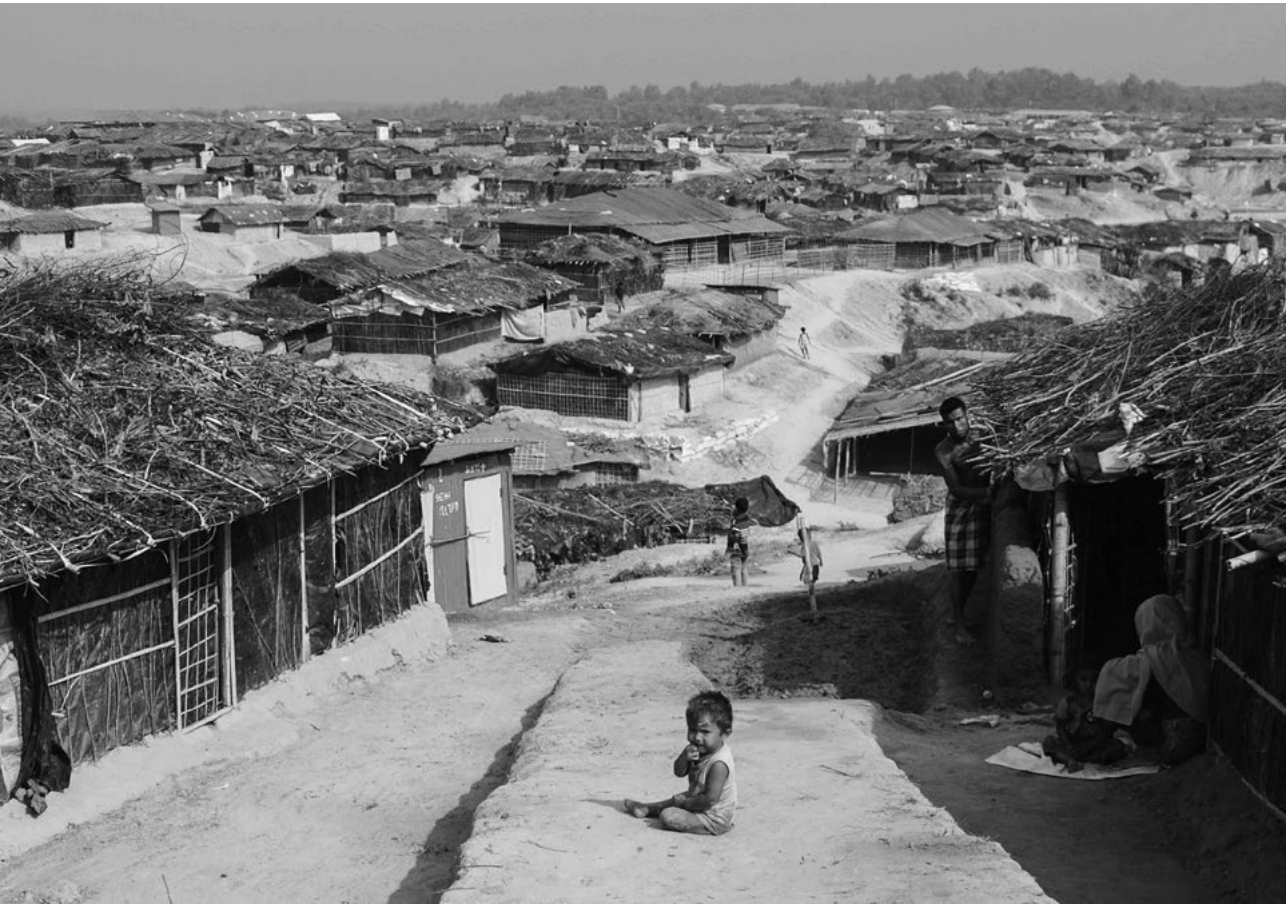
basic human rights standards, but no action has been taken thus far. Malaysia and Indonesia, which have long endorsed the doctrine of non-interference in the internal affairs of other states, have publicly called on Myanmar to change course (Ganguly & Adams, 2019).

In November 2019, the Gambia, with the backing of the 57 members of the Organisation of Islamic Cooperation filed a case before the International Court of Justice (ICJ) alleging that Myanmar's atrocities against the Rohingya in Rakhine State violate various provisions of the Convention on the Prevention and Punishment of the Crime of Genocide ('the Genocide Convention'). The case before the ICJ is not a criminal case against individual alleged perpetrators and it does not involve the ICC. Rather, the case is 'state-to-state' litigation between UN member states governed by legal provisions in the UN Charter, the ICJ Statute, and the Genocide Convention. The Gambia's filing marks the first time that a country without any direct connection to the alleged crimes has used its membership in the Genocide Convention to bring a case before the ICJ (HRW, 2020). In December 2019, this forced State Counsellor Suu Kyi to travel to The Hague to answer to genocide allegations levelled at her nation (Bowcott, 2019). As of May 2020, the ICC has granted an extension of the timeline for filing of the initial pleadings as well as the counter-pleadings [International Court of Justice, 2020].

Outlook for the future: Military abuse has not ceased since the 2017 ethnic cleansing. 'Less than two years since the world outrage over the mass atrocities committed against the Rohingya population, the Myanmar military is again committing horrific abuses against ethnic groups in Rakhine State' said Amnesty International's Nicholas Bequelin in 2019. 'The new operations in Rakhine State show an

unrepentant, unreformed and unaccountable military terrorizing civilians and committing widespread violations as a deliberate tactic' (Amnesty International, 2019).

Images



Kutupalong refugee camp in Cox's Bazar, Bangladesh. Between 500-800,000 Rohingya refugees have fled to the camp to escape violence and discrimination in Myanmar.

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Medical staff treat children in Kutupalong refugee camp to help contain an outbreak of diphtheria, a possibly fatal disease.

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Bibliography

- Al Jazeera (2020, December 29). Bangladesh moves nearly 2,000 Rohingya refugees to remote island. *Al Jazeera*.
- Amnesty International (2018). *Attacks by the Arakan Rohingya Salvation Army (ARSA) on Hindus in northern Rakhine State* [Briefing]. Amnesty International.
- Amnesty International (2019, May 29). Myanmar: Military commits war crimes in latest operation in Rakhine State [Blog post]. *Amnesty International*.
- Anas, A. Z. M. (2020, July 27). Covid-19 fuels tensions between Rohingya refugees and Bangladeshi hosts. *The New Humanitarian*.
- Baldwin, C. (2018, August 17). The Rohingya lists: refugees compile their own record of those killed in Myanmar. *Reuters*.
- Beech, H. (2018, July 7). When a Baby is an Everyday Reminder of Rohingya Horror. *The New York Times*.
- Bouckaert, P. (2017). *Massacre by the River: Burmese Army Crimes against Humanity in Tula Toli* [Report]. Human Rights Watch.
- Bowcott, O. (2019, December 8). Aung San Suu Kyi heads to The Hague for Myanmar genocide showdown. *The Guardian*.
- Bünthe, M. (2016). Myanmar's protracted transition: Arenas, actors, and outcomes. *Asian Survey*, 56(2), 369-391.
- Burke, A. (2016). New Political Space, Old Tensions: History, Identity and Violence in Rakhine State, Myanmar. *Contemporary Southeast Asia*, 38(2), 258-83.
- Ellis-Petersen, H. (2019a, May 7). Myanmar frees Reuters journalists jailed for reporting on Rohingya crisis. *The Guardian*.
- Ellis-Petersen, H. (2019b, March 1). Rohingya crisis: Bangladesh says it will not accept any more Myanmar refugees. *The Guardian*.
- Fink, C. (2018). Dangerous speech, anti-Muslim violence, and Facebook in Myanmar. *Journal of International Affairs*, 71(1.5), 43-51.
- Ganguly, M., & Adams, B. (2019, June 5). For Rohingya Refugees, There's No Return in Sight [Blog post]. *Human Rights Watch*.
- Habib, M., Jubb, C., Ahmad, S., Rahman, M., & Pallard, H. (2018). *Forced Migration of Rohingya: The Untold Experience*. Ontario International Development Agency.
- Holmes, O. (2017, September 7). Massacre at Tula Toli: Rohingya recall horror of Myanmar army attack. *The Guardian*.
- Human Rights Watch (2017, December 19). Burma: Methodical Massacre at Rohingya Village [Blog post]. *Human Rights Watch*.
- Human Rights Watch (2019a, April 1). Bangladesh: Rohingya Refugee Students Expelled [Blog post]. *Human Rights Watch*.
- Human Rights Watch (2019b, December 5). Questions and Answers on Gambia's Genocide Case Against Myanmar Before the International Court of Justice [Blog post]. *Human Rights Watch*.
- Human Rights Watch (2020, April 25). Bangladesh: Rohingya Refugees Stranded at Sea [Blog post]. *Human Rights Watch*.
- International Court of Justice (2020). *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar): Extension of the time-limits for the filing of the initial pleadings* [Press Release Nr. 2020/14]. International Court of Justice.
- International Crisis Group (2016). *Myanmar: A New Muslim Insurgency in Rakhine State* [Asia Report Nr. 283]. International Crisis Group.
- International Crisis Group (2017). *Myanmar Tips into New Crisis after Rakhine State Attacks* [Statement]. International Crisis Group.
- International Crisis Group (2019). *Building a Better Future for Rohingya Refugees in Bangladesh* [Asia Briefing Nr. 55]. International Crisis Group.
- Lakhdar, L. (2019, May 7). Two Myanmar Journalists Freed, but Many Face Charges [Blog post]. *Human Rights Watch*.
- Long, K. (2019, June 4). The war for truth in Myanmar's cyberspace. *Coda Story*.
- Mayberry, K. (2019, May 29). Myanmar military committing war crimes in Rakhine: Amnesty. *Al Jazeera*.
- McPherson, P. (2018, February 5). Witness to a massacre: the former Myanmar soldier who saw his village burn. *The Guardian*.
- Médecins Sans Frontières (2017, December 12). *MSF surveys estimate that at least 6,700 Rohingya were killed during the attacks in Myanmar* [Press release]. Médecins Sans Frontières.
- Mujahid, A. M. (2018, January 9). Rohingyas: The Tula Toli Massacre in Burma. *Australian Muslim Times*.
- Rahman, S. (2018, February 4). The massacre at Tula Toli: Survivors of ethnic cleansing in Myanmar are haunted and broken by what they've seen [Blog post]. *Latterly*.

- Sang, D. (2018). *One year on: Time to put women and girls at the heart of the Rohingya response* [Report]. Oxfam International.
- Stokes, E., & Ellis-Petersen, H. (2019, February 27). Rohingya crisis: UN investigates its 'dysfunctional' conduct in Myanmar. *The Guardian*.
- UN Human Rights Council (2018). *Report of the independent international fact-finding mission on Myanmar (A/HRC/39/64)* [Report]. United Nations, Human Rights Council.
- UN Human Rights Council (2019) *Report to the 42nd session of the Human Rights Council: Detailed findings of the Independent International Fact-Finding Mission on Myanmar (A/HRC/42/CRP.5)* [Report]. United Nations, Human Rights Council.
- UN News (2018, August 27). Myanmar military leaders must face genocide charges – UN report [Blog post]. *UN News*.
- UN News (2019, April 26). Future of Rohingya refugees 'hangs in the balance'- UNHCR chief [Blog post]. *UN News*.
- Wright, R. (2017, December 4). Accounts of rape, burning children and murder: How a Rohingya massacre unfolded at Tula Toli. *CNN*.

Endnotes

- 1 The first nominally democratic elections were held in 2010, but were boycotted by a number of parties – among which the main opposition party NLD – and were widely criticised for irregularities; not surprisingly, the regime-affiliated party won these elections by a large margin (Bünthe, 2016).
- 2 Words of Nurul Haq, a 65-year-old Rohingya refugee in Bangladesh, while speaking with Shafiur Rahman in September 2017.
- 3 For an in-depth discussion of sexual and gender-based violence as a weapon of war, see chapter 3 on sexual violence in South Sudan. This is also discussed, to a lesser extent, in chapter 8 on ISIS' attempted genocide against the Yazidis.
- 4 The Myanmar army and government do not recognise the Rohingya as an ethnic group indigenous to Myanmar but consider them illegal immigrants from Bangladesh instead; hence the 'Bengali' problem.
- 5 The Kaman are another, smaller Muslim minority residing in Rakhine State: They largely escaped the June 2012 violence, but as tensions grew distinctly more anti-Muslim, were targeted in the October 2012 alongside Rohingya.

