

## **THEY RAN FOR THEIR LIVES**

### **REPORT BACK: PROTECT THE ROHINGYA LEGAL TEAM**



#### **INTRODUCTION**

Protect the Rohingya envisaged launching a legal project at the beginning of 2017 with the aim of gathering testimonies from Rohingya who had suffered human rights abuses and atrocities at the hands of the Myanmar military. This led to their flight across the borders into neighbouring Bangladesh. The victims interviewed by the team fled Myanmar during August 2017. Protect the Rohingya previously published an international report, entitled 'Hear Our Screams'<sup>1</sup>.

The purpose of this report back is to document the atrocities and to spur legal teams working in international and domestic courts to utilise universal jurisdiction to hold perpetrators accountable for their crimes.

Protect the Rohingya approached many South African lawyers and after overcoming practical and logistical hurdles was able to assemble an all-women team that was available to travel during the traditional holiday season in December. The legal team was headed by advocate Shabnam Mayet from Johannesburg, the co-founder of campaign group Protect the Rohingya and consisted of advocate Shaida Mahomed of Johannesburg and attorney Tasneem Fredericks of Port Elizabeth. They were joined in Cox's Bazar by Scottish journalist Yvonne Ridley and the team was assisted by Bangladeshi lawyer and academic activist Rezaur Rahman Lenin.

This project, enabled by the goodwill of the team, was also partially funded by the Media Review Network and Salaamedia both based in South Africa and the International Relief Organisation based in Germany.

The team arrived in Cox's Bazar on 18 December 2017 and set about interviewing Rohingya survivors in the refugee camps between 19 and 24 December 2017. These interviews took place at Kutupalong Modhuchara D3 DD, Thainkhali, Thanzimul Khula, Block A and Thainkhali, Thanzimul Khula, Block C.

<sup>1</sup> <http://www.mlajhb.com/hear-our-screams>

## BACKGROUND

### Historical

Arakan State (Rakhine State) is located in western Burma<sup>2</sup>, bordering the Bay of Bengal to the west, Bangladesh to the northwest, Burma's Chin State to the north, and Magwe, Bago, and Irrawaddy Divisions to the east. The fertile plains and coastal wetlands of the state are separated from the rest of Burma by the dense jungles of the Arakan-Yoma mountain range, which for centuries enabled Arakan kingdoms to maintain political independence from lowland Burmese kingdoms.

The population of Arakan State (Rakhine State) is largely agrarian and remains one of Burma's poorest, with over 43.5 percent living below the poverty line, second only to Chin State, according to a 2011 study by the United Nations Development Programme (UNDP). Despite tens of billions of dollars worth of verified natural gas deposits having been found in the Bay of Bengal off the coast of Arakan State. Chinese, South Korean, and Indian companies are mining the gas in partnership with the state-owned Myanmar Oil and Gas Enterprise, among others, under undisclosed contracts negotiated under the former military government. Oil and gas transport pipelines are currently being constructed from Arakan State to Yunnan Province in China.

Interpretations of early and modern Arakan history are contested. The historical question of who among the inhabitants of the state have a valid claim of indigenousness, besides the predominantly Buddhist ethnic Arakan, is deeply controversial. The government of Burma and Burmese society at large roundly reject claims that the Muslim populations of Arakan State, many of whom identify as Rohingya, are entitled to Burmese citizenship, let alone recognition as a distinct ethnic group in Burma. Most citizens of Burma, of all ethnicities, do not acknowledge the term Rohingya and commonly refer to the Muslim population in Arakan State as "Bengali," "so-called Rohingya," or the pejorative "Kalar," claiming that they are all illegal migrants from what is now Bangladesh.

Nevertheless, there have been Muslim inhabitants in western Burma for more than eight centuries. Use of the term "Rohingya" in English dates back at least to research published in 1799 on the languages of Burma, by Francis Buchanan, M.D., who wrote of a dialect in western Burma "spoken by the [Muslims], who have long settled in Arakan, and who call themselves Rooinga, or natives of Arakan."

Arakan was in ancient times regarded as an extension of northern India. Some sources suggest the territory of Arakan was largely inhabited by Indians until the area was invaded in the 10th century by one of the earliest Tibeto-Burman tribes to enter what is today Burma, at which point



<sup>2</sup> The ruling military junta changed its name from Burma to Myanmar in 1989. However at this stage both Burma and Myanmar are used interchangeably at this point.

the “newcomers mixed with the original inhabitants and formed the Kingdom of Arakan (Rakhine State).” In 1404, when the Kingdom of Ava from northern Burma invaded the Arakan Kingdom, the Arakan king Naramithla fled to Bengal, where he lived in exile until 1430 before returning to Arakan to establish the Arakan capital of Mrauk-U.

While in exile, the king was exposed to Islam in the Bengali city of Guar and its influence was reflected upon his return to Arakan, when he established what has been called “a remarkably hybrid Buddhist-Islamic court, fusing traditions from Persia and India as well as the Buddhist worlds to the east.” Thereafter, in the 15th century, Arakan kings copied and used coins with Islamic inscriptions and coins from Bengal; Persian language was used in diplomatic exchanges in the 17th and 18th centuries; and Mughal-Arakan wars in eastern Bengal gave rise to an active, and lamentable, trade in Bengal slaves.

The British colonial period led to a shift in ethnic and religious relations in the state. The first Anglo-Burmese war, from 1824 to 1826, left Arakan territory under British colonial rule until Burma’s independence in 1948. During the colonial period, the British moved the capital from Mrauk-U to what is known today as Sittwe, and there was no political border between Arakan and Bengal, giving rise to new population flows between Chittagong, or east Bengal, and Arakan. The Muslim population of Arakan grew significantly during this period, from approximately 58,000 in 1871 to 179,000 in 1911, according to British colonial records.

This information has been used by some to argue the Rohingya as an ethnic minority per se does not exist; that the Rohingya exist merely as a modern construct; and that all “so-called Rohingya” are direct descendants of migrants from Bengal during the British colonial period. The latter claim is widely accepted in Burma, and it is operative, because current Burmese law denies citizenship to those who cannot verify their ancestry in Burma prior to British colonial rule. While the Rohingya and Bengalis from Bangladesh are in many ways physically indistinguishable from each other, the Rohingya in Burma speak a unique dialect of Bengali, distinct from the Bengali spoken across the border, and many Rohingya in Burma also speak Burmese.

After Burma’s independence in 1948, the country underwent a post-colonial political reformation marked by political instabilities and armed ethnic conflict until a coup by the army in 1962 introduced military rule that would last for over 60 years. Throughout the period of military rule, up to the present - which is still marked by a military-dominated parliament - the Burmese army has committed mass atrocities against both the Rakhine and Rohingya populations of Arakan State, including killings, widespread forced labor, rape, torture, land confiscation, and other abuses.

While both populations of the state suffered terribly under military rule, the oppression of the Rohingya was uniquely compounded by their denial of Burmese citizenship. For example, in the mid-1970s, Burma required all citizens to possess National Registration Certificates under the Emergency Immigration Act, but Rohingya were only given Foreign Registration Cards, which many schools and employers would not accept.

In 1977, the government initiated a program called Naga Min (Dragon King) to “scrutinize each individual living in the State, designating citizens and foreigners in accordance with the law and taking actions against foreigners who have filtered into the country illegally.” While the program was nationwide, in Arakan it degenerated into mass atrocities against the Rohingya by the army and the local Rakhine residents and authorities. There were killings, mass arrests, torture, and other abuses, driving more than 200,000 Rohingya to Bangladesh. At the time, the government of Burma claimed, “19,457 Bengalis fled to escape examination because they did not have proper registration papers,” referring to the Rohingya as Bengalis and grossly underestimating the

number of refugees. In Bangladesh, the authorities withheld food aid to the refugees in an attempt to force them back to Burma; more than 12,000 starved to death. The survivors were forcibly repatriated to Burma, settling primarily in northern Arakan State. This sequence of events clearly contained the elements of both genocide and crimes against humanity.

In 1983, in what appeared to be a response to Bangladesh's mass repatriation of Rohingya to Burma, the Burmese government completed a nationwide census in which the Rohingya were not counted, rendering them stateless through exclusion. The 1982 Citizenship Act had legalized this exclusion.

In 1991, the Burmese army repeated its expulsion of Rohingya, driving more than a quarter million out of Arakan State into Teknaf and Cox's Bazaar in Bangladesh. The Burmese army massacred and burned its way through villages, killing hundreds and forcing a new outflow of refugees. Bangladesh was again hostile to the refugees and forced them into squalid refugee settlements.

Human Rights Watch documented Bangladesh's forced repatriation to Burma of some 50,000 Rohingya between September 1992 and the end of 1993. At the time, the United Nations High Commissioner for Refugees (UNHCR) was not present in Burma and had no agreement with the Burmese government to provide assistance to returnees. There were serious abuses in the camps in Bangladesh, including beatings and the denial of food rations by camp authorities, which were directed at forcing the refugees back to Burma, similar to the behaviour of Bangladesh in 1978. Nevertheless, the vast majority of the 50,000 refugees who returned to Burma did so involuntarily, and UNHCR was unable to trace them upon their return. It is worth noting that neither Myanmar or Bangladesh are parties to the Refugee Convention<sup>3</sup>.

In 1994, UNHCR established a small field presence in Arakan State, at which point additional Rohingya were forcibly repatriated to Burma by Bangladesh authorities. The effort was marked by the use of excessive force, including killings, by Bangladeshi security forces and Burmese armed forces (Tatmadaw) receiving the Rohingya. In 1995, some of the returnees were granted Temporary Registration Cards (TRC), which provided only limited rights to movement and employment in northern Arakan State.

Since then, thousands of dispossessed and stateless Rohingya in Arakan State have subsisted on humanitarian aid from international agencies and the UN World Food Program, surviving brutal repression by Nasaka, a Burmese border guard force comprising an amalgam of the army, police, immigration, and customs officials. Nasaka were disbanded officially in 2013 and their official duties are now carried out by the Border Guard Police (BGP). The BGP has law enforcement, military, and administrative authority in the predominantly Muslim townships of northern Arakan, making it an entity unique to all of Burma. The Nasaka routinely conscripted Rohingya for forced labor, and arbitrarily detained between 2,000 and 2,500 Rohingya for "offenses" such as repairing homes without permission. Those in custody were often mistreated, and secured their release through payments to Nasaka commanders, usually through brokers or middlemen.

Every year, thousands of stateless Rohingya—fleeing repression and abuse in northern Arakan and unable to travel overland in Burma—take to the seas in rickety boats to Bangladesh, Thailand, and Malaysia. These travels frequently result in violence and exploitation by human traffickers, push-backs to sea, and prolonged, indefinite detention in foreign lands. Hundreds of

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<sup>3</sup> The United Nations Convention Relating to the Status of Refugees, also known as the 1951 Refugee Convention

thousands of Rohingya work illegally in Malaysia, Thailand, and the Middle East, or have sought asylum in other countries<sup>4</sup>.

## Contemporary

Democracy has served as a vehicle for Rakhine Buddhist nationalism to intensify the movement to expel the Rohingya from Rakhine State. Successive rounds of violence have in fact been building up to the third mass expulsion of Rohingya, after similar expulsions in 1978 and 1991. It is clear that the events leading to the mass expulsions that began in August 2017, have been prepared and systematically organised by Myanmar security forces in cooperation with local Buddhist monks and groups of nationalist Rakhines. Overall, the aim has been to rid Rakhine State of a Rohingya population entirely.

In 2010 the country had an election and in February of 2011, Thein Sein was elected President of the military-backed civilian government, becoming the country's first civilian president in nearly 5 decades. Aung San Suu Kyi was released from house arrest in 2010 and led the National League for Democracy (NLD) to a majority win in Myanmar's first openly contested election in 25 years in November 2015.

With the benefit of hindsight we can say that prior to 2015-2016 the main strategy was to foster a steady stream of Rohingya departures, through economic strictures, dispossession & internal displacement to camps, targeted violence, restrictive legislation and a policy of isolating the areas of Rakhine State where the Rohingya lived from the international community.

First, in June 2012 and then in October of 2012 pogroms and persecutions aimed at systemically displacing the Rohingya population. In June the northern most parts, where the Rohingya constituted the majority were targeted, starting an exodus to Bangladesh and overseas to South East Asia. A clear indication of the aims behind these pogroms was that many villages were torched, making it impossible for the Rohingya to return home after fleeing the murder, rape and looting that accompanied actions. In October 2012, actions were directed at the Rohingya in and around Sittwe, where many Rohingya were concentrated in internally displaced people's (IDP) camps, thus concentrating, isolating and partly starving large groups of people. During 2013 and 2014 a growing stream of Rohingya began to leave the country in boats. This culminated in a refugee crisis in May and June of 2015, which saw eight thousand Rohingya stranded in the Andaman Sea when the Thai government cracked down on smugglers who were taking Rohingya to camps in southern Thailand and holding them ransom.

Under international pressure, the Rakhine Inquiry Commission was established by President Thein Sein to ostensibly look into the causes of the 2012 persecutions. The Commission was composed of historians, social scientists, legal experts, and leaders from economic, political, and social sectors however it lacked Rohingya representation<sup>5</sup>. The Commission's recommendations in April 2013 led to the Rakhine State Action Plan<sup>6</sup>.

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<sup>4</sup> Extract from: "The Government Could Have Stopped This" Sectarian Violence and Ensuing Abuses in Burma's Arakan (Rakhine State) State Pg 11- 17, August 2012, ISBN: 1-56432-922-4

<sup>5</sup> [http://www.burmalibrary.org/docs15/Rakhine\\_Commission\\_Report-en-red.pdf](http://www.burmalibrary.org/docs15/Rakhine_Commission_Report-en-red.pdf)

<sup>6</sup> <https://www.scribd.com/doc/244605800/Rakhine-Action-Plan-by-Myanmar-Government>

The plan failed to recognise the term Rohingya and instead referred to “Bengalis,” an inaccurate and derogatory term commonly used by Burmese officials and nationalist Buddhists. According to Human Rights Watch the plan would lead to ‘segregation measures that have been advocated by extremists, by moving the Rohingya further from urban areas to isolated rural camps in violation of their basic rights, making them dependent on outside assistance, and formalising the land grab of their property’<sup>7</sup>. The plan also included a nationality verification process and Rohingya who rejected being labeled “Bengali” would be denied the right to be considered for citizenship thus continuing their statelessness. Needless to say the plan failed to ease tensions or improve conditions for the Rohingya thereby perpetuating genocide and crimes against humanity.

There was an ongoing campaign of vilifying the Rohingya in the media. Radio broadcasts, pamphlets and speeches in which Buddhist monks and extremist right wing groups took a prominent part. They accused the Rohingya of threatening society and planning to attack and destroy Buddhism in Myanmar. They even labeled them subhuman, vermin to be disposed.

During 2014 and 2015 these right wing groups lobbied for the passing of four laws, known collectively as the Race and Religion Protection Laws. These laws were submitted in December 2014 and passed in the spring of 2015, they included measures on monogamy, religious conversion, interfaith marriages and population growth. Although formulated in general terms for all of Myanmar, these laws were clearly targeted at the Rohingya and aimed to further isolate them from the larger population of Myanmar.

From late 2015 onwards, a new phase in the persecution of the Rohingya was heralded by the November elections, in which the Rohingya were not allowed to participate. Unsurprisingly, the northern parts of Rakhine State fell to the Arakan Nationalist Party and the army’s Union Solidarity and Development Party, although the Rohingya were a majority in many areas.

In September 2016, following a request from Aung San Suu Kyi, the Kofi Annan Foundation and the Office of the State Counsellor established an Advisory Commission on Rakhine State. The Commission was a national entity, composed of six local and three international experts, and was chaired by Kofi Annan. It was mandated to consider the challenges facing Rakhine State and to propose answers therefore. It published its findings in a report in August of 2017 and in line with the request of the State Counsellor, the Commission used neither the term “Bengali” nor “Rohingya”, who are referred to as “Muslims” or “the Muslim community in Rakhine”<sup>8</sup>.

The Advisory Commission recommends that the government take concrete steps to end enforced segregation of Rakhine Buddhists and Rohingya Muslims; ensure full and unfettered humanitarian access throughout the state; tackle Rohingya statelessness and “revisit” the 1982 Citizenship Law; hold perpetrators of human rights violations accountable; and end restrictions on freedom of movement, among other recommendations. The government did not mandate the Advisory Commission to investigate and document human rights violations. Recognizing the importance of accountability to address the “human rights crisis” in Rakhine State, the Commission today recommended that the government hold “perpetrators of serious human rights violations”

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<sup>7</sup> <https://www.hrw.org/news/2014/10/03/burma-government-plan-would-segregate-rohingya>

<sup>8</sup> [http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport\\_Eng.pdf](http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf)

accountable. The Advisory Commission also recommended the government ensure the right to freedom of movement for all residents of Rakhine State<sup>9</sup>.

In July of 2017, U Zaw Htay, government spokesperson and director-general of the President's Office told the media that whenever the international community makes accusations, Myanmar responds that it is taking action in line with the recommendations of the Kofi Annan commission which serves as a shield for it<sup>10</sup>.

In October of 2016 the Arakan Rohingya Salvation Army (ARSA), a previously unheard of small group attacked some border posts in northern Rakhine State. According to their leader, this was done to raise awareness about the plight of their community. Although numerically small and poorly equipped, the Myanmar authorities successfully portrayed this group as a jihadist faction with ties to Al Qaeda and Saudi Arabia, both claims were vehemently denied by the group. In both cases, the reaction of the army was predictably disproportionate and excessively brutal, effecting the larger Rohingya population.

In August 2017 a second ARSA attack provided a pretext for a systematic and full-blown campaign to expel all Rohingya from Rakhine State. From late August onwards, the northern part of Rakhine State was methodically emptied of Rohingya under the guise of 'clearance operation' targeted at 'terrorists'.

Since then approximately 700,000 Rohingya have fled to refugee camps just over the border from Rakhine State in Bangladesh and the exodus continues. Data from the U.N. Operational Satellite Applications Programme shows scores of Rohingya villages in Rakhine state burned in an area stretching 110 km<sup>11</sup>. New York-based Human Rights Watch says more than 350 villages were torched over a three month period from August 25, according to an analysis of satellite imagery<sup>12</sup>.

Today, more than a million Rohingya have been expelled from Myanmar, constituting almost the entire Rohingya population. Reports of mass murder, widespread arson and rape suggest many of those left behind have lost their lives. The sheer scale of the operation and uniform practices point to a certain measure of cooperation between security forces and Rakhine nationalists in planning and carrying out the expulsions.

In recent months Myanmar and Bangladesh have entered into yet another repatriation agreement. The current bilateral treaty follows similar accords which were signed in 1978 and 1992 respectively and achieved very little for the Rohingya. Myanmar stated that it would be prepared to accept the return of the refugees under the 1992 agreement which will require them to verify their identity. However it was the 1978 agreement which recognised the Rohingya as 'Myanmar citizens by law'. The agreement will require Rohingya to undergo a verification process and to

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<sup>9</sup> <https://reliefweb.int/report/myanmar/myanmar-implement-recommendations-kofi-annan-led-commission>

<sup>10</sup> <https://www.irrawaddy.com/in-person/u-zaw-htay-kofi-annan-commission-govt-shield.html>

<sup>11</sup> <http://fingfx.thomsonreuters.com/gfx/rngs/MYANMAR-ROHINGYA/010060630DW/index.html>

<sup>12</sup> <https://www.hrw.org/news/2017/12/17/burma-40-rohingya-villages-burned-october>

submit documents like copies of expired citizenship identity cards or national registration cards or other relevant documents to prove their past residency in Myanmar. It will only apply to those who entered Bangladesh after the violence in October of 2016 and August of 2017<sup>13</sup>.

According to the agreement Myanmar will take back no more than 1500 refugees per week into transit camps, which resemble modern day internment camps. At that rate, it would take almost a decade for all the Rohingya that fled to return home, that is if people who have been brutalised and watched their children being thrown into their own burning homes would even want to return to the scene of the barbarity .

That the Rohingya refugees will be returned to their own homes and property is an improbability as villages have been razed and cattle, crops and lands confiscated by Rakhine Buddhists.

The main issue is that any resettlement which occurs must be safe and voluntary. This seems highly improbable since Rohingya are still fleeing to Bangladesh and northern Rakhine State remains inaccessible to international observers and foreign media. Last December Myanmar barred UN special rapporteur, Yanghee Lee from visiting the country and has withdrawn cooperation with her for the rest of her tenure. She has recently stated that Aung San Suu Kyi could be complicit in the systematic persecution of the Rohingya people, in what bears all the hallmarks of genocide<sup>14</sup>.

The government of Myanmar has given no undertakings about the legal status of the returnees nor is it guaranteeing their safety or the reinstatement of their citizenship. Many activists see the repatriation as premature and a public relations exercise by the state to ward off international condemnation.

Returning Rohingya will probably face the same oppressive conditions that they fled. As usual countries are speaking around them about their future but patently absent in all of this is the voice of the Rohingya themselves.

Finally at the end of January 2018 a group of Rohingya elders drafted a list of demands to be met before the repatriation process begins. Among these are the granting of citizenship, the return of their land and that the military is held accountable for its atrocities. In February 2018 Bangladesh has provided a list of 8032 Rohingya which includes 1673 Rohingya families to Myanmar to begin the first phase of repatriation.

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<sup>13</sup> <http://www.thedailystar.net/frontpage/mayanmar-refugee-crisis-rohingya-repatriation-pipe-dream-1497811>

<sup>14</sup> <https://www.channel4.com/news/un-special-envoy-claims-aung-san-suu-kyi-could-be-guilty-of-crimes-against-humanity>



## CASES

The team conducted just over sixty interviews in total, this was done in the camps and each team member was paired up with different translators for the duration of the project. Of the interviews that were conducted forty six were developed into statements which were then officially notarised by a Notary Public who accompanied the team into the camps. A more detailed explanation of the statements will be undertaken below.

### **Showap Parang (Choot Pyin) - Rathedaung**

There were twenty six victims who were interviewed from Showap Parang. Of these nineteen were adult females and seven were adult males. One adult female victim reported that the village was tense for the three months

preceding the attack. Freedom of movement was restricted, men were beaten to death and women were harassed in the streets by both members of the Border Guard Police and the military. One victim stated that on 28 August 2017 the military surrounded the village. Ten victims reported that they had either been raped or had witnessed rapes. Of those interviewed nine had witnessed the killing of adults, five victims reported the theft of their valuables including gold and cattle by members of the security forces. Seven victims reported that their village had been surrounded by the military. Five reported that they had witnessed children being thrown into fires. Three reported that after they had fled into the nearby jungle, members of the security forces had followed them and attacked them again. Four reported that they were the sole survivors from their families. Six reported that they witnessed men being taken away, beaten and killed by the security forces. Three victims saw groups of people being lined up and shot execution style. Three victims reported the use of rocket launchers to set the village alight. Five victims witnessed children being thrown into homes and burnt, Three victims witnessed the slaughtering of children and three witnessed children being shot. Six victims witnessed women being beaten. Eight reported witnessing the indiscriminate shooting by members of the security forces. Two victims had their children taken away from them. Two witnessed adults being burnt to death. Four witnessed people being arrested. Two victims reported that men, women and children were separated from each other and then killed. Eleven witnessed homes being burnt. Victims recognised dark green as well as camouflage uniforms of the security forces with stars on the shoulder part of the uniform, these soldiers all had nameplates affixed to their uniforms.

Worth mentioning was the fact that some of the victims recognised Aung Soe Mia, the official chairperson of the area. Aung Soe Mia and his sons participated in the rapes of some of the women who were interviewed. In one statement a victim said that when a group of them were rounded up by soldiers and taken to the Mogh (rakhine Buddhist) school, Aung Soe Mia shouted at them saying, "why have you brought them here, why were they not killed in the village?". One victim said that she called for her brother to help her while she was being gang raped in the paddy fields and when he arrived, the soldiers ordered the Moghs to cut off his hands and

thereafter they shot him execution style in front of her. Also forming part of the testimony, was the fact that some pregnant women had been raped then shot and killed thereafter. Some victims reported having witnessed both rapes and gang rapes.

One victim reported that her home had been burnt, the soldiers had detained her brother and husband and shot and killed two of her children in front of her. Thereafter along with the other women from the village she was taken to the mosque and made to kneel for almost six hours and thereafter told to leave the village. She has no further information about the males in her family that were taken away.

A victim who was a minor told one of the interviewers that she had been shot at and raped by a soldier who only stopped when he thought she was dead. Two of the victims recognised a local policemen Kyaw Kyaw committing atrocities.

### **Tola Toli (Min Gyi Ywa) - Maungdaw**

There were eleven victims interviewed from Tola Toli, of these seven were adult males and four were adult females. All the victims interviewed said that the village had been surrounded and that members of the security forces began shooting firearms indiscriminately and using rocket launchers. The victims were then rounded up and gathered at one part of the village. Helicopters with red on top and white on the bottom were used to open fire on the victims as well.

About 240 families were assured by Hukkada, the official chairman of the area, that no harm would come to them if they gathered at an island nearby and that the Moghs were only interested in removing all the 'terrorists' from the area. When they arrived at the island the men whose hands were tied were made to lie face down and shot in the head. The women and children were forced into homes in groups of twenty to thirty at a time. Some of the women were selected from the group and forced into different homes. The homes were then entered by four or five members of the security forces, who left some time later while fixing their belts. Thereafter the houses were burnt with the women still inside. In some instances the women were killed before the houses were set alight.

Some victims reported that Moghs circled the groups of victims after they had been rounded up so that they could not escape. Those interviewed said that they had witnessed babies being thrown into streams in order to drown them and many witnessed their homes being burnt. Some said that people were stabbed and left to die. One victim reported that the jewellery had been removed from the women and collected in a bucket.

In one area it was reported that 8 Rohingya were forced to dig shallow graves. Once the digging was completed they were shot and they fell into those same graves and were then set alight along with the other bodies that were put into those graves. Another victim told his interviewer that the shallow graves were filled with bodies and then set alight to "make space" for more bodies and when more bodies were added those were then set alight as well. Yet another victim told interviewers that machetes and gallons of petrol were being dropped from the helicopters and these were then used to burn the bodies.

Most of the victims who were interviewed alluded to having witnessed or heard rapes and gang rapes being perpetrated by the military.

Two victims who were minors from Tula Toli spoke to the interviewers. Both witnessed terrible atrocities. One said that they were told to gather outside their homes to discuss peace initiatives. The men and women were asked to stand in separate lines the soldiers then opened fire on them. The women in the yard were slaughtered and houses were set alight. The other minor, his mother and his aunt, were pushed into a house. Once inside, a soldier held a gun to his mother's head and demanded money and jewellery. She had neither, and told him so. The soldier became angry, and began beating the minor in front of his mother with a stick. He was beaten hard on the left side of his head and then another soldier lifted a big knife and brought the blade down on his head. The blow split open his scalp and rendered him unconscious. When he regained consciousness he found his mother lying on the ground with her throat slit open. He was the sole survivor and he ran from the house when he realised it was on fire. The village had been set alight and he saw corpses strewn everywhere in pools of blood. Alone and afraid, he followed a stream until he arrived at the village of Wykum.

### **ArngDarn (Inn Din) - Maungdaw**

Four adult female victims were interviewed from ArngDarn. On the morning of 27 August members of the security forces arrived at their village and opened fire. All four managed to flee. Two fled to the nearby hilly area, Zaritoli Mountain while two fled into the forest. The military came to the hilly area and surrounded those who had fled there. They separated the men and women. The men were taken away. One woman watched as her husband and son in law were taken from the group along with another man who managed to run away. Her husband and son in law were slaughtered in front of everyone. Some of the women were forced to remove their veils as punishment.

One of the women who had fled into the forest returned to the village the following day with her family. The military had also returned to the village, surrounded it on three sides and opened fire indiscriminately. Her husband was killed in the shooting. The military again returned on the third day and after firing indiscriminately set the homes alight. The soldiers were wearing dark green and carried machetes, guns and rocket launchers. As she fled she could hear the explosions caused by the rocket launchers. The last of the four women stated that at 10:00 am one Friday the military and Moghs surrounded her home and opened fire. Along with her family, she ran towards the forest where they all hid. When it was safe they made their way to Bangladesh.

### **Dunse Para (Koe Tan Kauk) - Rathedaung**

Two adult female victims were interviewed from Dunse Para. One woman reported that there was indiscriminate shooting by members of the security forces who were wearing dark green and were heavily armed. She fled into the Mayu forest and remained there for nine days until the military arrived. She then fled to a beach area with other victims.

The second woman reported that the military entered the village from the north side and surrounded the village. They set homes alight and arrested all the men. She witnessed the military

set her house alight using petrol bombs and gunfire. The following day when she returned to the burnt house to retrieve some belongings, she could only recognise her son's corpse by his wristwatch because he had been so badly burnt.

### **Shil Khali (Koe Tan Kauk) - Rathedaung**

Three adult female victims were interviewed from Shil Khali. One woman reported that on 27 August the military arrived at the village and opened fire indiscriminately. She fled to Barisha mountain nearby with her family. From there she witnessed the soldiers, who were wearing a dark green uniform, setting the village alight. Her husband and his friends went back to the village later that night to examine the damage and find food. He was shot and killed by the military. She tried to collect his body but was unable to because the military were still in the village. Thereafter she began the journey to Bangladesh.

The other two women narrated that they woke up one morning to the sounds of gunfire and the smell of something burning. The security forces had surrounded the village. They were wearing dark green uniforms and were being assisted by Moghs, some of whom were recognised by the victims. The military used flame throwers or containers of liquid which were thrown at the roofs of houses in order to set them alight. The husband of one of the females interviewed was picked up by the soldiers and thrown back into their burning house, where he burnt to death in front of his grandchildren. Many victims were shot at. The other female saw members of the security forces and the Moghs armed with handguns, petrol bombs and machine guns.

### **General**

Some of the victims interviewed had been raped by the security forces and many victims had witnessed others being raped by the security forces. The nature of the crime itself is horrific and often victims elected not to give detailed graphic descriptions of how the rapes had occurred and out of respect for the victims and their cultural sensitivities, the interviewers did not request any.

Rakhine village officials were often complicit in the commission of atrocities. These administrative personnel also targeted young men who were educated. Their parents felt that those young men posed a threat to the military and their operation. The military often attacked in the early morning around 4:00am when most victims were still asleep or at prayer times so that they could inflict the maximum damage and abuse. Those who were injured had more difficulty escaping because other victims were unable to carry them speedily for long distances.

After escaping their villages all the aforementioned victims made their way to nearby villages, forests or hilly areas where they could hide from the military and from there they made their way to Bangladesh. They walked anywhere between three days and two weeks in order to arrive at the numerous crossings from where it is possible to board boats to Bangladesh. Some were given free boat rides however many had to pay, some women paid with the jewellery they were wearing. Once in Bangladesh they made their way to the camps where they were interviewed.

The interviews made it apparent that the military had planned the attacks prior to carrying them

out. The modus operandi was similar in various villages. The plan was not only to cause as much damage to property as possible but also to ensure that Rohingya left their villages for good and all traces of them having been there were removed. In most cases dwellings and buildings were burnt to the ground. The indiscriminate killings of adults and children alike as well as the rapes and gang rapes were perpetrated uniformly across areas and villages. The burning of bodies and the burying of them in mass graves was not a random act either. The security forces had clearly planned both the attacks and the how they would dispose of the bodies before they began.

Although no official signed statements were taken from minors, some of the minors arrived with their guardians and wanted to tell their stories.

## LEGAL FRAMEWORK

The Convention on the Prevention and Punishment of the Crime of Genocide<sup>15</sup> was adopted by the United Nations General Assembly (UNGA) on 9 December 1948. It legally defined genocide and recognised it as a crime. The aim was for signatories to prevent and punish actions of genocide in war and in peacetime. It has been ratified or acceded to by 149 states.

Article 2 of the Convention defines genocide as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

The International State Crime Initiative (ISCI) based in the Queen Mary University London conducted an 18-month-long study on the Rohingya persecution in 2015 and published its report titled, "Countdown to Annihilation: Genocide in Myanmar." Though the 2015 report of ISCI termed the process as a "highly organised and genocidal in intent", Professor Green, the director was convinced that it was visibly and undoubtedly already a genocide at that stage<sup>16</sup>.



<sup>15</sup> General Assembly Resolution 260, entered into force on 12 January 1951, text: <https://treaties.un.org/doc/publication/unts/volume%2078/volume-78-i-1021-english.pdf>

<sup>16</sup> <http://statecrime.org/data/2015/10/ISCI-Rohingya-Report-PUBLISHED-VERSION.pdf>

Protect the Rohingya's own report co-authored with the Muslim Lawyers Association of South Africa entitled: 'Hear Our Screams, Making a case for the Rohingya Genocide' was published in 2014 and endorses the eight stages of genocide, as proposed by Gregory H. Stanton of Genocide Watch. The facts presented within the eight stages are analysed normatively within the framework of the international law on genocide. The report concluded that, amid an atmosphere of extermination, a genocide against the Rohingya was both probable and possibly already underway<sup>17</sup>.

Universal jurisdiction makes it possible for national courts to prosecute individuals for any serious crime against international law, such as crimes against humanity, war crimes, genocide, and torture. The precept thereof being that such crimes harm the international order or the international community which every state should aim to protect.

Universal jurisdiction is usually utilised when the established methods to find criminal jurisdiction are unavailable. These being when the defendant is not a national of the State or did not commit a crime in the territory of that state or against its nationals, or that the national interests of that state are not adversely affected.

The manner in which universal jurisdiction is defined and practiced varies globally. The authority of a national or international court to prosecute individuals for international crimes committed in other territories is heavily dependant on the law, legislation or treaties signed by that state.

Amnesty International reports that, in total, 163 of the 193 UN Member States "can exercise universal jurisdiction over one or more crimes under international law, either as such crimes or as ordinary crimes under national law<sup>18</sup>.

The domestic legislation generally empowers national courts to investigate and prosecute persons suspected of crimes which could amount to violations of international law regardless of where the crime was committed, the nationality of the suspect, or the nationality of the victim.

Depending on whether their states are one of the 123 signatories to the Rome Statute or among the 163 states which utilise can universal jurisdiction legal teams globally should bring cases on behalf of the Rohingya in their national jurisdictions. This is both an efficient and cost effective manner to employ lawfare.

Relief sought in these cases should be to stop travel and freeze assets of Myanmar officials and members of the military command, such as State Counselor, Aung San Suu Kyi and General Min Aung Hlaing, who are complicit in the violence against and genocide of the Rohingya.

Furthermore there is an *erga omnes* duty on the international community to provide humanitarian relief efforts to the Rohingya. This obligation flows from the R2P principle that is internationally accepted and was for example utilised by NATO in its intervention in Kosovo, the difference in this application is that, what is sought is not military intervention but rather something far less violent, i.e. humanitarian assistance and intervention.

The Responsibility to Protect (R2P or RtoP) is a legal obligation which was endorsed by all member states of the United Nations at the 2005 World Summit to prevent genocide, war crimes,

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<sup>17</sup> See 1 above

<sup>18</sup> <https://www.amnesty.org/en/documents/ior53/019/2012/en/>

ethnic cleansing and crimes against humanity. The World Summit outcome document, which The General Assembly adopted in its resolution 60/1 of 2005 provides that<sup>19</sup>:

*“138. Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.*

*139. The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.*

*140. We fully support the mission of the Special Advisor of the Secretary-General on the Prevention of Genocide.”*

The International Criminal Court (ICC) is a treaty based institution which has the jurisdiction to prosecute individuals for the international crimes of genocide, crimes against humanity, war crimes and the crime of aggression<sup>20</sup>. Its purpose was the prevention of impunity for grave international crimes. The ICC has complementary jurisdiction to national courts in the States that are signatories the Rome Statute<sup>21</sup>. It can only intervene when Member States are “unwilling or unable” to conduct genuine national investigations or court proceedings. It may not try crimes committed before 1 July 2002, when the Rome Statute came into force<sup>22</sup>. As aforementioned the Rome Statute is the legal mechanism of the ICC and the crimes of ‘Genocide’ and ‘Crimes against humanity’ which fall under Article 6 and 7 respectively fall within the ambit of the Myanmar situation.

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<sup>19</sup> "Resolution of the General Assembly 63/308: The responsibility to protect" (PDF). GCR2P.

<sup>20</sup> <https://www.icc-cpi.int/>

<sup>21</sup> Preamble/Article-1/Art-17

<sup>22</sup> Art-11(1)

Article 6 mirrors the Genocide Convention. Article 7 of the Rome Statute defines Crimes Against Humanity as the commission of the following acts when they are conducted as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: (a) Murder; (b) Extermination; (c) Enslavement; (d) Deportation or forcible transfer of population; (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) Torture; (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognised as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; (i) Enforced disappearance of persons; (j) The crime of apartheid; (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

It should be noted that in December 2015 the Arakan Rohingya National Organization (ARNO) filed a communication with the Office of the Prosecutor for the ICC. The communication asked the Court to open an investigation because as stateless people, the Rohingya would have no alternative means within Myanmar to prosecute perpetrators of genocide and crimes against humanity. In August 2017 prior to the escalation of tensions, the ARNO filed another communication pleading with the ICC to open an investigation. The Office of the Prosecutor declined the matter stating she had no jurisdiction as a result of Article 12 and 13.

Although Myanmar is not a state party, its actions have flowed over into the territory of Bangladesh which is a state party. Perhaps with due consideration and further research given to this notion, a foundation may be laid for the territorial jurisdiction the ICC lacks. If the ICC did hear the case against Myanmar in the future, convictions could result in the payment of reparations to the victims including rehabilitation<sup>23</sup>.

The UN General Assembly has passed more than two dozen resolutions asking Myanmar to stop violating human rights, improve conditions and hold the perpetrators of rights accountable. The UN Office of the High Commissioner for Human Rights has stated that Myanmar's treatment of its Muslim Rohingya minority appears to be a "textbook example" of ethnic cleansing. On September 13, 2017, the UN Security Council condemned the violence and on the same day, UN Secretary-General António Guterres referred to the situation as "catastrophic."

Ethnic cleansing has not been recognised as an independent crime under international law, there is no precise definition of this concept or the exact acts to be qualified as ethnic cleansing. A United Nations Commission of Experts mandated to look into violations of international humanitarian law committed in the territory of the former Yugoslavia defined ethnic cleansing in its interim report<sup>24</sup> as "... *rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area.*" In its final report<sup>25</sup>, the same Commission described ethnic cleansing as "... *a purposeful policy designed by one ethnic or religious group to*

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<sup>23</sup> Art- 75

<sup>24</sup> [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/25274](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/25274)

<sup>25</sup> [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/1994/674](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/1994/674)

*remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas.”*

The Commission of Experts also stated that the modus operandi used to displace the civilian population can include: murder, torture, arbitrary arrest and detention, extrajudicial executions, rape and sexual assaults, severe physical injury to civilians, confinement of civilian population in ghetto areas, forcible removal, displacement and deportation of civilian population, deliberate military attacks or threats of attacks on civilians and civilian areas, use of civilians as human shields, destruction of property, robbery of personal property, attacks on hospitals, medical personnel, and locations with the Red Cross/Red Crescent emblem, among others. The Commission of Experts added that these practices can “... constitute crimes against humanity and can be assimilated to specific war crimes. Furthermore, such acts could also fall within the meaning of the Genocide Convention.”

It is worth noting, that a well established principle in international refugee law is that of non-refoulement. It asserts that no refugee or asylum seeker can be returned to the place of their persecution, or where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion. It is codified in the Convention on the Status of Refugees and is also recognised as a principle of customary international law<sup>26</sup>. Bangladesh therefore must abide by this rule despite not being a party to the Convention.

Non-refoulement is also considered *jus cogens*. This refers to peremptory norms of international law from which no derogation is permitted, to the extent that any act in violation of it is automatically invalidated. It follows therefrom that if Bangladesh were to return Rohingya refugees to Myanmar it would be considered a derogation from a *jus cogens* norm.

The Myanmar government for its part has consistently denied all allegations of atrocities against ethnic communities including Rohingya, and has even called reports of rape and gang rape of Rohingya women and girls, ‘fake rape’ allegations.

Article 13(b) of the Rome Statute, empowers the United Nations Security Council (UNSC) to refer a matter to the Prosecutor. The UNSC is empowered by Chapter VII of the UN Charter despite Myanmar not being a State Party to the Rome Statute. However Russia and China, neither a party to the Rome Statute, are likely to utilise their veto powers should the UNSC move for a referral.

The Prosecutor may initiate an investigation on the basis of information received in relation to crimes within the jurisdiction of the Court from individuals or groups, States, intergovernmental or non-governmental organisations<sup>27</sup>.

A recent UN report provides evidence that the country’s armed forces are systematically attempting to permanently displace the Rohingya into a state party to the Rome Statute. These actions comfortably satisfy the Restatement’s reasonableness test: nearly 688,000 displaced civilians is surely substantial; the Rohingya’s proximity to the Bangladeshi border when they lived

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<sup>26</sup> It is codified in Article 33(1) of the Convention on the Status of Refugees, 1951, and is also recognised as a principle of customary international law.

<sup>27</sup> Under Art-13(c), Art-15 & Art-53(1) of the Rome Statute

in Myanmar makes their flight to Bangladesh a “direct” result of Tatmadaw clearance operations in that area; and Myanmar’s past experience with Rohingya fleeing to Bangladesh due to the regime’s repression makes the result “foreseeable.”

The crisis in Myanmar also satisfies the Statute’s other jurisdictional requirements. Article 17(1) (d)’s gravity requirement is likely satisfied given that over half of the Rohingya population in Myanmar – nearly 688 000 civilians – were displaced. The sheer scale of the Rohingya’s deportation in proportion to Myanmar’s broader conflict should be sufficient to constitute a “situation,” as required under Article 13. And with respect to complementarity under Article 17(1) (a), there is no indication any other state is already investigating these crimes<sup>28</sup>.

## RECOMMENDATIONS

The citizenship of the Rohingya must be reinstated and the 1982 citizenship law must be revoked.

The recommendations of the Advisory Commission which require government to take concrete steps to end enforced segregation of Rakhine Buddhists and Rohingya Muslims must be upheld.

Myanmar must ensure full and unfettered humanitarian access throughout Rakhine state.

The government must hold all the perpetrators of human rights violations accountable.

Myanmar must ensure the right to freedom of movement for the Rohingya.

Religious, academic and political entities should move to divest from multinational corporations that continue to do business with Myanmar.

The United Nations Security Council must refer the situation in Myanmar to the International Criminal Court.



<sup>28</sup> <https://www.justsecurity.org/50793/icc-jurisdiction-rohingya-crisis-myanmar/>

The United Nations as well as individual states must place targeted economic sanctions against Myanmar officials including high ranking members of the Myanmar security forces, especially those who gave the orders for the ‘clearance operation’<sup>29</sup>. (see list of names below)

Legal teams globally should bring cases on behalf of the Rohingya in their national jurisdictions. The relief sought in these cases should be to halt travel and freeze the assets of Myanmar officials and members of the military command who are complicit in the violence against and genocide of the Rohingya. An open list of the names of these individuals can be found hereunder<sup>30</sup>:

### **Politicians from the ruling party**

Aung San Suu Kyi: State-counsellor

Pe Myint: Minister of Information

Zaw Htay: Aung San Suu Kyi's Spokesperson

Nyan Win: Senior NLD leader

Win Htein: ex-Captain and Senior NLD Leader

Dr. Win Myat Aye: Minister of Social Welfare, Relief and Resettlement

### **Members of the military**

Senior General Min Aung Hlaing: The Commander-in-Chief

Senior General Than Shwe: Former Dictator and Commander-in-Chief

Senior General Soe Win: Deputy Commander-in-Chief

General Khin Nyunt: Former Chief of Intelligence

General Shwe Mann - Former Speaker of Pyithu Hluttaw and general

Lt. General Kyaw Swe: Home Minister

Lt. General Ye Aung: Border Affairs Minister

Thura San Lwin: Former Commander of Border Guard Police

General Khin Yee: Former Minister of Immigration

Ye Htut: Ex-Colonel, Former minister of Information, Visiting Fellow - Institute of South East Asian Studies, Singapore

### **Monks:**

Sitagu

Wirathu

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<sup>29</sup> Thus far only the US and Canada have implemented sanctions against a few high ranking military officials this is insufficient.

<sup>30</sup> Names form part of list being drafted by Rohingya activist @HaikalMansor

The contracts which were negotiated between the former military government and international companies, in relation to the extractive industry, must be declared void in so far as they have disregarded the rights of the Rohingya and other ethnic minorities to the land.

Efforts must be made to consult with Rohingya women who have suffered sexual violence at the hands of both the military and Rakhine Buddhists. An increase in trauma and mental health services should be made available to both women and children.

There should be an increase in both food and medical aid in the refugee camps in Bangladesh and the restricted access areas in Rakhine State.

There must be an increase in the provision of education for Rohingya children most of whom have already been absent from schooling for more than half a year, since the Myanmar military 'Clearance Operation' began.

The Repatriation, as it stands, is premature and should not be considered until there are proper arrangements made and the Rohingya have been consulted in relation to the decisions being taken about their future on their behalf.

The current transfer camps built by Myanmar appear to be very similar to internment camps and are not even located close to the areas the Rohingya were displaced from, this is unacceptable.

The Rohingya must be compensated for the losses of their land, homes, livestock, and other assets. Reparations must be properly calculated to enable the Rohingya to start their lives and cover the losses they have suffered.

The time for writing strongly worded statements has long passed. International structures both regional and continental like the ASEAN and the African Union as well as international organisations like the United Nations and the Organisation of Islamic Cooperation must take a far stronger stance in order to force Myanmar to halt the violation of human rights and bring the perpetrators to book.



## CONCLUSION

The purpose of compiling these statements is for use in South African courts, when the opportunity arises in the future, to prosecute Burmese officials under the Rome Statute. In addition these sworn affidavits can also be utilised by international legal teams as supporting documentation when bringing cases in their own jurisdictions. This can be done either under universal jurisdiction or the Rome Statute.

The collection of a body of evidence which includes eyewitness testimonies is crucial because they could prove essential for legal matters being brought in national jurisdictions in relation to the situation in Myanmar.

Our work along with the work of various organisations, some of whom have been on the ground in Bangladesh and Myanmar, clearly indicates that the military's operations against the

Rohingya bear "the hallmarks of a genocide"<sup>31</sup>.

Awaiting a formal determination of 'genocide' by the international community is a timeous process that may never bear any fruit. The jurisdictional issue remains the biggest impediment to recourse for the Rohingya. Bringing cases on behalf of the Rohingya in national jurisdictions may provide the solution until the matter can be brought before the ICC. Territorial jurisdiction is a practical manner in which military and civilian leaders in Myanmar, as well as soldiers and civilian perpetrators who are liable for international crimes can and must be held liable. One method which can be utilised to this end is the deprivation of safe havens and the forfeiture of their assets which are held abroad.

The legal statements will be made available to any legal team that aims to utilise them in order to seek justice for the Rohingya.

Protect the Rohingya wants to take this opportunity to thank the team who committed themselves to this project and traveled to Cox's Bazar. Protect the Rohingya would also like to thank the following individuals; Advocate Feroze Boda, Attorney Regina Paulose, Rezaur Rahman Lenin and Adil Sakhawat who put their expertise at our disposal and the following organisations; Salaamedia, International Relief Organisation and Media Review Network who assisted with funding. This project would not have been possible without your kind contributions.

<sup>31</sup> Statement of the UN special envoy on human rights in Myanmar, Yanghee Lee - 1 February 2018

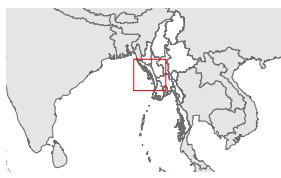


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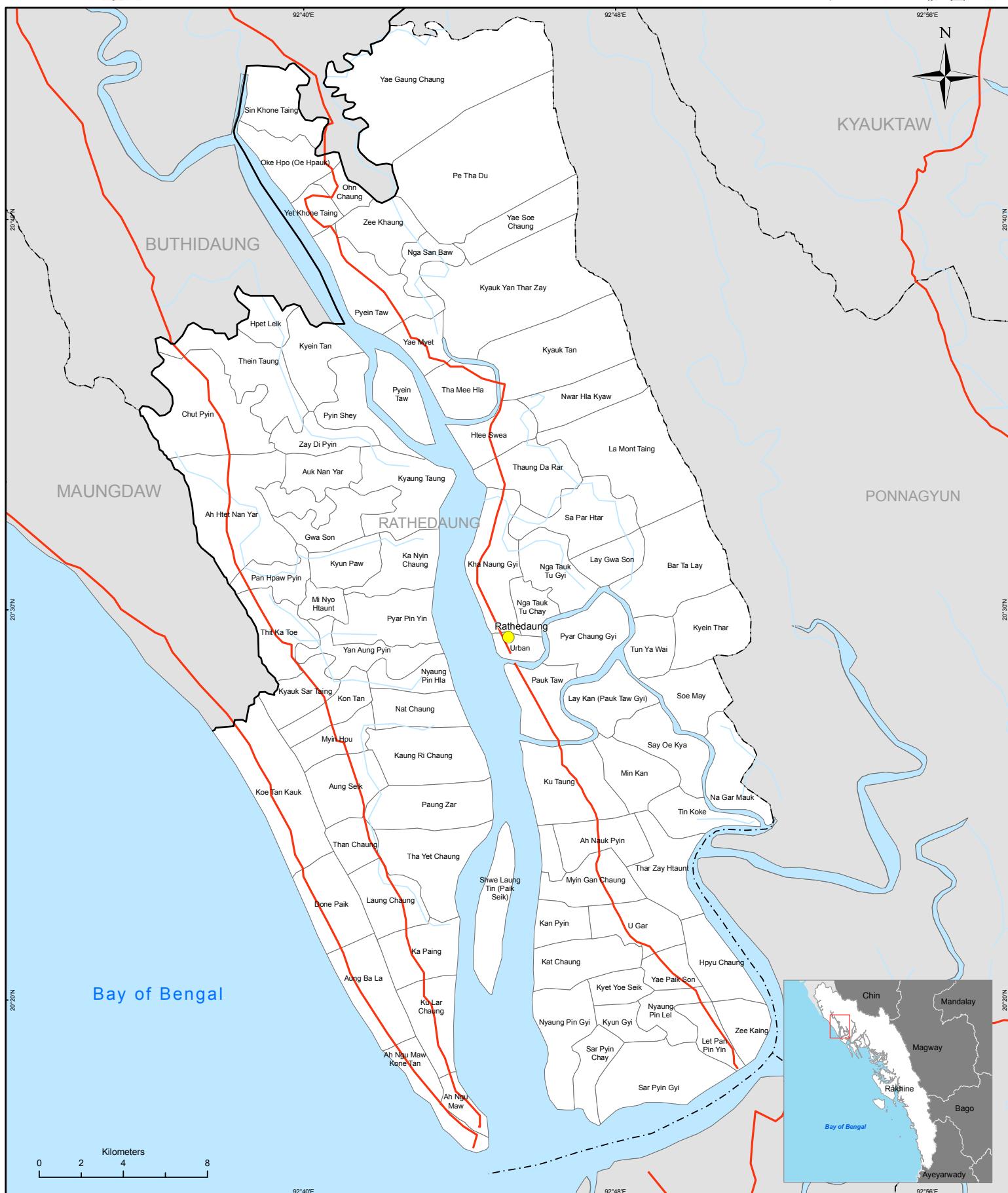
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# Village Tracts of Rathedaung Township

## Rakhine State



Map ID: MIMU250v01  
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 Creation Date: 22 November 2011. A3  
 Projection/Datum: Geographic/WGS84

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State Capital  
 Main Town  
 Other Town  
 Road  
 Stream  
 Township Boundary  
 District Boundary  
 State Boundary

Village Tract Boundary  
 Water Bodies

Data Sources :  
 BASE MAP - MIMU  
 Boundaries - WFP/MIMU/UNICEF  
 Place names - Ministry of Home Affairs (GAD) translated by MIMU

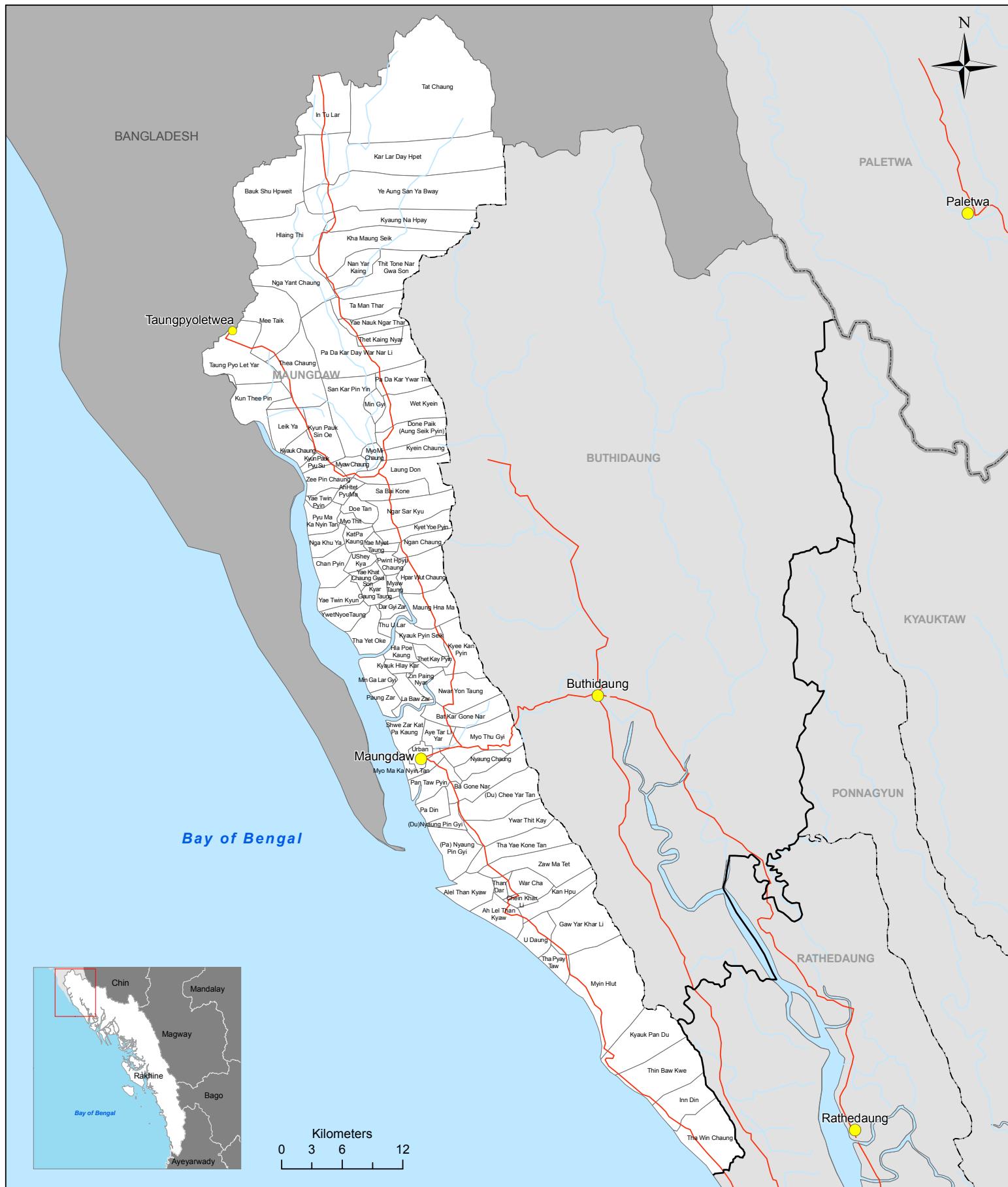
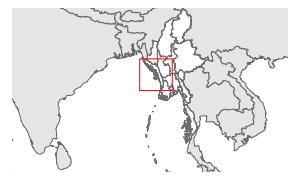


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Myanmar Information Management Unit

# Village Tracts of Maungdaw Township Rakhine State



Map ID: MIMU250v01  
GLIDE Number: TC-2010-000211-MMR  
Creation Date: 22 November 2011. A3  
Projection/Datum: Geographic/MGRS

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- State Capital
- Main Town
- Other Town
- Road
- River and Stream
- Township Boundary
- District Boundary
- State Boundary

-  Village Tract Boundary
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