

Persecution, Forced Displacement, and Genocide of Rohingya, Kachin, Shan, Karen and other minorities of Myanmar
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Persecution of the Rohingya, Kachin, Shan, Karen and other minorities in Myanmar has been continuous since a military coup installed the Ne Win junta in 1962. The ethnic Burmese monopoly of political, economic, and military power has resulted in systematic oppression of non-Burman minority groups.

Genocide Watch has issued Genocide Emergency Alerts for Myanmar annually since our founding in 1999, including major updates in 2006, 2012, 2013, 2015, and 2017. We declare Genocide Emergencies when there are ongoing genocidal massacres.

In this statement I will summarize the evidence of persecution, forced displacement, and genocide by the army and police of Myanmar against two groups: the Rohingya and, briefly, the Kachin. Similar evidence exists of the government's crimes against the Shan and Karen.

The Rohingya are a Muslim ethnic minority of one million people that has lived in Rakhine state for centuries, but which increased during British colonialism to provide labor for agriculture. They face systematic religious and ethnic discrimination because under Myanmar's constitution, they are not classified as one of 135 legally recognized ethnic minority groups with Myanmar citizenship. Ethnic Burmese consider the Rohingya as "illegal immigrants" from Bangladesh. Bangladesh does not recognize the Rohingya as its citizens.

Without citizenship, the Rohingya have no civil rights in Myanmar. They are stateless.

- The regime refuses to issue identification cards to Rohingya, which are necessary to be able to travel, as well as to obtain passports and enroll in higher education.
- They are denied land and property rights and ownership. The land on which they live can be taken away at any time.
- The Rohingya people are barred from government employment.
- Marriage restrictions are imposed on them. They are limited to two children per couple.
- They are subject to forced labor, extortion and other coercive measures.
- Public services such as health and education are neglected. Illiteracy is 80%.
- More than 40,000 Rohingya children in western Myanmar are deprived of rights to travel, to attend school, or to marry in the future, because their parents had an unauthorized marriage or exceeded the two-child limit the Myanmar government has imposed on the Rohingya. These blacklisted children are refused birth registration, and so are not included in family lists and must be hidden during the authorities' population checks.
- The Rohingya are subject to curfews and other restrictions on basic freedoms.

The Rohingya are a dehumanized and persecuted minority in Myanmar. Many attempt to flee to Bangladesh or Malaysia in rickety boats, but are not accorded the rights of refugees in those countries. Every year hundreds of these boat people drown. Others are maimed or killed by land mines sown at the border by the Myanmar army, who also shoot people who are running away.

Genocide Watch uses a ten stage model of the processes that lead to genocide. They are not linear. Many of them occur simultaneously. But they provide a logical model for seeing the early warning signs and understanding how to prevent genocide by countering each stage.

1. Classification divides the society into "us" versus "them." The Rohingya and Kachin are classified as non-Burmese ethnic groups, with religions other than Buddhism. Most Rohingya are denied citizenship. The 1982 Citizenship Law holds that only members of the 135 groups named in the law that were deemed to be in Burma prior to 1823 can be citizens.
2. Symbolization provides ways to identify the groups. Rohingya and Kachin speak their own languages, have their own clothing, and have their own places of worship. The identity cards

that Rohingya once held were taken away in 1989, and new ID's have only been issued to around 4000 Rohingyas on the condition that they say they are "Bengali," validating the government's false narrative that they are immigrants from Bangladesh.

3. Discrimination against Rohingya includes denial of government jobs, health care, education, and confiscation of land and property.
4. Dehumanization includes propaganda that Rohingya are jihadists, terrorists, murderers, and thieves. The leader of the 969 Movement, Monk Ashin Wirathu, has said that he wants to lead a campaign to purge Burma of all Muslims -"starve them to death, make them homeless." He was jailed for his involvement in burning alive an entire Muslim family -a well-to-do grocer and a Haj returnee- in his birthplace.
5. Organization includes the 969 movement, extremist orders of monks, and the Tatmadaw government army and police. They carry out the murders and disappearances, torture, rapes, and arson of Rohingya villages.
6. Polarization has resulted in creation of concentration camps for Rohingyas and separation of them from the Rakhine Buddhist population.
7. Preparation has included planning for aggression and arson against Rohingya villages, and recently the buildup and invasion by large numbers of Tatmadaw troops in Rakhine state, with trucks and heavy weapons.
8. Persecution [itself a crime against humanity] has included forcing the Rohingya into concentration camps, denying them medical care, food, and water, torture, and mass rape. Many Rohingya have fled in rickety boats and large numbers have drowned while fleeing.
9. Genocidal massacres have resulted in thousands of deaths. Starvation and death from disease in concentration camps, especially of children and the elderly, have cost thousands of lives. Births are restricted through limits on family size to two children. Others cannot get birth certificates, a violation of the Convention on the Rights of the Child, to which Myanmar is a state-party.
10. Denial permeates government statements, including the statements of Aung San Suu Kyi. The UN Commission of Inquiry, UN Special Rapporteur and other neutral observers have been barred from the country.

In 1978, Burma's Tatmadaw army launched systematic persecution against the Rohingya that resulted in destruction of their mosques, mass murder and rape. The persecution accelerated in 1991 and 1992 when a renewed wave of oppression and pogroms drove an estimated 250,000 Rohingya to flee to Bangladesh and makeshift camps around Burma's coastal borders.

Apart from denial of citizenship, the Rohingya are subject to such state-sponsored human rights abuses as forced displacement, forced labor, rape and other sexual violence, extrajudicial killings, extortion, police harassment, restrictions on freedom of movement, land confiscation, arbitrary taxation, inequitable marriage regulations, a two-child-limit family planning policy, exclusion from access to jobs, education and healthcare, and eviction and destruction of their homes.

These dire conditions resulted in a refugee exodus of over 140,000 Rohingya to neighboring countries such as Bangladesh, Thailand, Malaysia and Indonesia. Boarding rickety boats, thousands of Rohingya fleeing Myanmar face a perilous journey across the Adaman Sea and Bay of Bengal. These journeys can take up to 40 days, with starvation, dehydration, physical and sexual abuse and murder on board.

Arrival in these countries has been no guarantee of security. Thailand, Bangladesh, Indonesia and Malaysia have disregarded international refugee law. They have repatriated Rohingya and have denied them refugee or asylum status. Many are taken by human traffickers upon arrival and sold into servitude or sex slavery. Even where they are admitted to refugee camps, the Rohingya live in squalor beset by diseases and starvation, with no access to employment, education, healthcare and humanitarian aid.

Ceasefire negotiations in 2011 resulted in some improvement in relations between the government and some recognized ethnic groups. However, since the Rohingya are not officially considered a recognized ethnic group, they are excluded from this national dialogue and remain vulnerable to state-sponsored ethnic violence and persecution.

During 2012, violence increased against Rohingya and other Muslims in the Rakhine State. According to the [Pulitzer Center on Crisis Reporting](#), the Rohingyas have become one of the most oppressed ethnic groups in the world. The United Nations Office of the High Commissioner for Human Rights [issued a report](#) on discrimination against the Rohingya.

Miss Thidar Htwe, a Buddhist woman from Rakhine, was murdered on 28 May 2012. Government officials arrested and charged three Muslim men with the attack. [The Economist reported](#) that six days later a mob of Buddhist vigilantes stopped a bus carrying Muslim pilgrims, killing ten and raping one. Violence by Buddhists against Muslims grew. Scores of Rohingya were slaughtered. Attacks against Muslims spread to other areas of Myanmar. [Attacks by government forces](#) followed shortly thereafter. Mass media have incited discrimination against the Rohingya and Muslims, using derogatory terms [and twisted stories](#) when reporting on incidences.

Violence against Muslims is not just targeted against the Rohingya; Muslims living in other states have also been targets of ethnic, racial, and religiously motivated violence. [The Burmese government](#) has committed atrocities against Muslims, including mass killings and rapes, burning of Muslim villages, arrests, forced labor, and torture. Many Muslims attempt to escape to Bangladesh for sanctuary. However, in Bangladesh the Myanmar refugees face discrimination, exploitation, and deportation. In Myanmar, the Rohingya are a stateless people.

In 2012, Buddhist violence against the Rohingya reached new heights. Human Rights Watch called the attacks on Rohingya “ethnic cleansing,” carried out by Rakhine militias and incited by extremist Buddhist monks with support by state police. Bureaucratic obstructions, corruption, extensive restrictions, and expulsion of humanitarian groups from access to vulnerable populations in the Rakhine State compound these atrocities.

Marginal improvement in freedom of expression has become an avenue for Buddhist chauvinists to broadcast anti-Rohingya, anti-Muslim rhetoric. Militant Buddhist nationalists are attempting to forge a sense of national identity based on Burmese chauvinism. Such anti-Rohingya. Anti-Muslim invective is spreading paranoia of Muslim expansionism. Anti-Muslim violence has also occurred beyond the Rakhine state. In 2013, Buddhist chauvinists launched “Movement 969,” an anti-Muslim campaign in which Muslim businesses are marked and boycotted. Such Symbolization is reminiscent of Nazi marking of Jewish businesses. Government propaganda has stressed the importance of protecting the “true Burmese” religion of Buddhism from “outside contamination.”

On 28 March 2013, [The New York Times reported](#) that President Thein Sein publicly declared that he would begin using force to stop religious conflict and rioting in Myanmar. This was the president’s first public comment on the issue since 40 Muslims were killed during rioting in central Myanmar the week before. About 12,000 were forced out of their homes and into refugee shelters as a direct result of that rioting, [which included burning of Muslim houses and mosques](#). This was the worst instance of violence against Muslims in the past year.

On 29 March 2013, the UN’s Special Rapporteur on Human Rights in Myanmar, Tomás Ojea Quintana, issued a statement from Geneva in which he not only expressed the UN’s concerns about the violence between Muslims and Buddhists in Myanmar, but urged the government to take “bold steps” to rectify the ongoing violence.

Speaking at the UN General Assembly in September 2014, Myanmar’s Foreign Minister, Wunna Maung revealed the “Rakhine State Action Plan” drafted for the “reconstruction and development of the Arakan/Rakhine state,” which included the relocation of all Rohingyas to unspecified detention camps. This calculated plan of forced displacement of the Rohingya population constitutes a crime against humanity.

When Aung San Suu Kyi was released, the western press was deluded into writing about a “democratic Myanmar.” In fact, the model Myanmar is following is China’s, with firm control by the military unshaken.

His Holiness The Dalai Lama, Archbishop Tutu, and at least seven other Nobel laureates have urged fellow Nobel Peace Prize laureate Aung San Suu Kyi to champion the cause of the Rohingya. Their calls have been met with silence, much to the indignation of human rights advocates in the international community, who have accused her of political opportunism. Some have even asked that she surrender her Nobel Prize.

The UN General Assembly, UN Human Rights Council, the ASEAN Parliamentarians for Human Rights (APHR), and the Kofi Annan Commission have urged Myanmar to extend citizenship to the Rohingya, and to arrest human rights violators. They have called upon ASEAN to develop regional solutions to the worsening emigration crisis. The United States, Turkey, Malaysia and Indonesia have expressed concern about the Rohingya crisis yet delivery of aid to the Rohingya has remained minimal. Several countries have even lifted sanctions and cancelled bilateral debt in favor of economic investment in the new, "open" Myanmar, with its prime location between India and China.

Myanmar continues to perpetrate deliberate persecution of the Rohingya. Impunity for human rights abusers against the Rohingya remains official policy. Combined with Myanmar's intransigent denial of citizenship to Rohingya, withholding of healthcare, confinement in detention camps, and forced displacement, Genocide Watch, Human Rights Watch, Fortify Rights, Amnesty International have concluded these systematic, intentional tactics constitute crimes against humanity.

In 2017, the misguided Arakan Rohingya Salvation Army (ARSA) attacked Myanmar police posts and killed as many as 30 police officers. The Myanmar army and police, with Rakhine militias, have launched vicious genocidal massacres against the Rohingya. They justify their crimes as counter-insurgency against "terrorists."

ARSA's violent attacks have turned what was seen by most observers as one-sided aggression against a peaceful people into the misperception that this is a two sided civil war. It plays directly into the Myanmar government's narrative of counter-terrorism.

Such attribution of evil intent to the victims is called "mirroring" by genocide scholars. The victims are said to intend to commit exactly the same crimes that the perpetrators plan to commit against the victims. Mirroring is a powerful justification for and incitement to genocide. It was used when the Nazis accused Jews of intending to slaughter Germans; by Hutu Power militias in Rwanda when they accused Tutsis of intending to murder all Hutus; and by Bosnian Serb militias when they accused Bosnian Muslims of intending to kill Serbs. It is the equivalent of the self-defense claim in justification for killing.

The press and spokespersons for governments have called the Myanmar government's aggression "ethnic cleansing." This is a term invented by Slobodan Milosevic as a euphemism for forced displacement and genocide. It is an insidious term because there is no international treaty law against it, whereas there are international laws against forced displacement and genocide.

Genocidal massacres are acts of genocide. Genocide consists of acts of genocide intended to destroy, in whole or in part, a national, ethnic, racial, or religious group.

Genocide is precisely what the Myanmar government and supporting militias are committing against the Rohingya. Myanmar is committing both "ethnic cleansing" [forced displacement] and genocide. The crimes often go together. Genocidal massacres are used to terrorize a victim group into fleeing.

The so-called "international community" (which exists only in mythology) will avoid calling the crimes "genocide."

There are several reasons:

- Lawyers have gutted the word "genocide" of its preventive effect by insisting on judicial standards of proof beyond a reasonable doubt rather than a prosecutor's preponderance

of the evidence standard. British Foreign Office, US State Department, and Dutch Foreign Ministry lawyers have even claimed that only a court can invoke the word "genocide," a view that ignores the very name of the International Convention for the Prevention and Punishment of the Crime of Genocide. Courts always come after a genocide is over, too late to prevent it.

- China will block forceful action by the UN Security Council. ASEAN, the relevant regional organization, could Act under UN Charter Chapter Eight, as it did in East Timor. But it won't because normally ASEAN governments leave each alone.
- "Genocide" is a more powerful word than "ethnic cleansing" but governments in the UN prefer to do nothing, rather than take more forceful action to stop genocide.

Why does it make a difference whether these crimes not be named "crimes against humanity" or "war crimes," and instead be called "**genocide**?"

Ethnic Cleansing is a euphemism for forcible displacement. "Ethnic cleansing" is not a term used in the Rome Treaty of the International Criminal Court. It has no legal meaning in international law.

In 2007, three epidemiologists and I conducted a study¹ of the effect of using the words "ethnic cleansing" rather than genocide in four of the most recent genocides: Rwanda, Bosnia, Kosovo, and Darfur. Our team counted the number of uses of the terms "ethnic cleansing" and "genocide" in The New York Times, UN press releases, law journals, and statements by Amnesty International and Human Rights Watch.

We came to four important conclusions:

1. Use of the terms has no relationship to the number of people who have been killed. 8000 killed at Srebrenica was ruled "genocide" by the ICTY. Yet a U.N. Commission of Inquiry ruled that over 100,000 killed in Darfur (now over 300,000) was not sufficient evidence of intent to commit genocide by the government of Sudan.
2. Choice of the term to be used is determined by willingness to take action to stop the killing. When the terms "ethnic cleansing" or "crimes against humanity" were used, it indicated unwillingness to take forceful action to stop the crimes. These **weak words have never motivated the use of force. Indeed they were probably chosen because the decision whether or not to use force had already been made.**
3. **It was not until the term "genocide" was applied to the crimes, that force was used to stop them.**
 - This occurred three months into the genocide in Rwanda when the State Department finally acknowledged on June 10, 1994 that "acts of genocide" in Rwanda were the same as "genocide", which is defined in the Genocide Convention as "acts." This declaration came after the US had voted in the UN Security Council to pull UNAMIR troops out of Rwanda on April 21, 1994 and voted against sending in UN forces in May, when the killing was still underway. By June 10, the Rwandan Patriotic Front had won the civil war and stopped the

¹ The articles can be found [along with many concerning the situation in Myanmar] on the Genocide Watch websites, 2000 - 2012 at www.genocidewatch.org; 2013 - 2016 at www.genocidewatch.net; and 2016 to present at www.genocidewatch.com. "Ethnic cleansing bleaches the atrocities of genocide" at http://docs.wixstatic.com/ugd/e5b74f_61ce668e4f4548e3b98c3bb460ab1962.pdf "Weak words are not enough" at http://docs.wixstatic.com/ugd/e5b74f_51b8c6b1924248cb8f68105739c1fcb3.pdf

genocide. 800,000 Rwandans were slaughtered. The US and other world powers were not willing to risk the life of a single soldier to protect them. The International Criminal Tribunal for Rwanda has convicted over fifty leaders of genocide and courts in Rwanda have convicted hundreds more.

- The same denial emerged in Bosnia, as the world press and the US government called the massacres “ethnic cleansing” from 1991 until the Srebrenica massacre on July 11 - 13, 1995, which provoked a NATO conference on July 21, and resulted in NATO bombing of Serb forces on August 30. The bombing brought Serbia to Dayton to agree to a ceasefire, division of Bosnia, and a NATO peacekeeping operation. The Bosnian civil war came to an end. The ICTY and International Court of Justice have ruled that the massacre at Srebrenica was genocide.
- Kosovo was called “ethnic cleansing” until US War Crimes Ambassador David Scheffer noted “indicators of genocide” on April 7, 1999, followed immediately by bombing of Belgrade, which brought Serb surrender and NATO occupation of Kosovo. Six Serb leaders were convicted of crimes against humanity by the ICTY and the Kosovo Tribunal has convicted other perpetrators.
- Regarding Darfur, following a careful empirical survey of evidence of genocide among Darfuri refugees, on September 9, 2004, Secretary of State Colin Powell declared that “genocide has occurred and may still be occurring in Darfur. We believe the evidence corroborates the specific intent of the perpetrators to destroy “a group in whole or in part.” He also said, “However, no new action is dictated by this determination.” A decision had evidently been made by the President not to involve US or NATO military forces in stopping the genocide, so all that followed were ineffective increases in the African Union monitoring force, but no direct military intervention by NATO or the US. Although the International Criminal Court has charged Sudanese President Omar al-Bashir and two others with genocide in Darfur, they have never been arrested and brought to trial. Sudan has three active genocides today. It is an example of the failure of the UN to stop genocide, and of the African Union and states-parties to the ICC Treaty to enforce international criminal law.

4. When the term “genocide” is used to describe crimes against humanity, use of force is

possible. When the crimes are only called “ethnic cleansing” or “crimes against humanity,” it is a sure indicator of lack of political will to take forceful action to stop them. Since 2000, the term “atrocities” has replaced “crimes against humanity” as an indicator of absence of will to take forceful action to stop them.

Crimes against the Kachin:

Fighting in Myanmar’s Kachin state pits the Kachin Independence Army and its majority Christian population against the Burmese Buddhist government. Ethnic Shan in Kachin State have also been displaced.

In 1994, the Burmese government reached a peace agreement with the Kachin Independence Organization (KIO) ending large-scale conflict between the two parties in the jade-rich territory. KIO maintained effective control, and political tension remained high for the next 17 years. In June 2011, that ceasefire agreement was shattered and fighting once again broke out between the Kachin Independence Army (KIA) and Burmese government when the government attacked KIA forces near a hydropower plant. Fighting since has been non-stop.

The government says it only attacks in self-defense. However, government attacks on Kachin villages have intensified since December 2012.

Human Rights Watch estimates that since the attacks have begun, over 75,000 Kachins have been forced to flee their homes looking for refuge. Attacks include raids and burnings of villages and rapes and murders. Many Kachin have fled to China, only to be deported.

On January 19, 2013, President Thein Sein declared a ceasefire, which was immediately broken by his own army. The two groups – KIA and the government – met for peace talks in February 2013, but tensions remain and there has been no stop to the violence. Tens of thousands of Shan Buddhists have also been displaced from Kachin state since June 2011. About 300,000 of Kachin State’s 1.2 million residents are Shan. Kachin Christians also face discrimination. It is estimated that over 100,000 Kachins have been displaced as a direct result of the fighting.

In February 2015, Myanmar’s army said more than 130 people had died in a battle with rebels in the northeast, declaring it would not rest until stability was restored to the border area which tens of thousands have fled. Fighting raged in the remote Kokang region of Shan state where conflict erupted on February 9 with insurgent attacks on soldiers that triggered a military onslaught, prompting at least 30,000 civilians to escape into bordering China.

Conclusion:

The Permanent People’s Tribunal should find the Myanmar Army and police, 969 and other Buddhist militias and the Myanmar civil government guilty of:

1. Crimes against humanity, including:

**murder;
extermination;
enslavement;
deportation and forcible transfers of populations;
imprisonment;
torture;
rape, sexual slavery, enforced prostitution, and other forms of sexual violence of comparable gravity;
persecution against identifiable groups on political, racial, national, ethnic, cultural, religious or gender grounds;
enforced disappearance of persons; and**

other inhumane acts of a similar character intentionally causing great suffering or serious bodily or mental injury.

2. War crimes, including:

murder;
mutilation, cruel treatment and torture;
taking of hostages;
intentionally directing attacks against the civilian population;
intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historical monuments or hospitals;
pillaging;
rape, sexual slavery, forced pregnancy and other forms of sexual violence;
conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities.

3. Genocide, including:

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;**

and

- (b) Conspiracy to commit genocide;**
- (c) Direct and public incitement to commit genocide;**
- (d) Attempt to commit genocide;**
- (e) Complicity in genocide.**